

OFFICE OF LAW ENFORCEMENT SUPPORT  
ADMINISTRATIVE INVESTIGATION

**CONFIDENTIAL**

To: Dolly Matteucci Executive Director Napa State Hospital	Case Number: Investigator: Date of Incident: Date of Report:	2017-01337A La Barbara Nash March 23, 2017 March 9, 2018
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SUBJECT: BECERRA, Jose	Classification: Location: Date of Birth: DSH Hire Date: I.D. Number: ATO: Off Client Contact:	Police Officer Napa State Hospital March 19, 1991 October 16, 2013 110799 No N/A
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**SYNOPSIS**

On March 23, 2017, Napa State Hospital (NSH) Patient [REDACTED] was in the Unit T-13 Courtyard engaged in verbal aggression towards staff. [REDACTED] was described as displaying aggressive body language and movements in the courtyard. There were several (LOC) staff members in the courtyard along with other hospital patients. An alarm was activated by LOC staff resulting in multiple Hospital Police Officers (HPOs) responding to the incident.

Upon arrival, HPO's utilized force in an attempt to contain [REDACTED] onto the ground. As a result of the attempted containment, HPO Michael Hauscarriague and [REDACTED] collided headfirst into a concrete wall, both receiving serious injury and requiring transportation to an outside medical facility for treatment. [REDACTED] was later booked in the Napa County Jail for Threatening/Resisting an Executive Officer, PC 243, Battery with Injury on a Peace Officer and PC 243 (d) Inflicting Great Bodily Injury in Commission of a felony.

On April 6, 2017, OLES Investigator Jason Davis was assigned case responsibility to complete a criminal investigation of NSH Incident #17030418 (Exhibit 25) based on information contained within the incident and supplemental reports, medical records, and recorded witness and victim interviews. On September 5, 2017, I, OLES Investigator LaBarbara Nash was assigned case responsibility to complete an administrative investigation into allegations related to BECERRA'S reporting of the Use of Force incident #17030418, involving [REDACTED]

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**HOSPITAL POLICE OFFICER JOSE BECERRA****ALLEGATIONS:**

1. It is alleged that Hospital Police Officer Jose BECERRA reported misleading and/or inaccurate information in his March 23, 2017, supplemental report when he reported that Patient [REDACTED] threatened staff and resisted a takedown during Use of Force incident #17030418.
2. It is alleged that Hospital Police Officer Jose BECERRA was inefficient when he failed to conduct a complete, accurate and thorough investigation related to the March 23, 2017, Use of Force incident #17030418, involving Patient [REDACTED]
3. It is alleged that Hospital Police Officer Jose BECERRA was dishonest during a September 5, 2017, witness interview when he stated that on March 23, 2017, Patient [REDACTED] was resistive to Hospital Police during Use of Force incident #17030418.

**INVESTIGATION:**

**Investigator's Note:** *The information contained within this report is a summary of this investigation. For specific and full details, refer to the actual exhibits, recordings and/or evidence.*

**DOCUMENT / EVIDENCE REVIEW:****OLEs NOTIFICATION TEMPLATE: (Exhibit 1)**

A review of the document identified that on March 23, 2017, Hospital Police Sergeant (Sgt) Nicholas Kotsinadelis reported that at approximately 1545 hours, HPO's were dispatched to Unit T-13's courtyard. Upon arrival, officers observed [REDACTED] visibly angry with clenched fists, yelling obscenities and pacing near the entrance gate. LOC staff, who were positioned on the opposite end of the courtyard, attempted to de-escalate [REDACTED] without success. Officers ordered [REDACTED] to move away from the gate, to which [REDACTED] complied. [REDACTED] began yelling at the officers and threatening to kill them. [REDACTED] behavior escalated and he kicked a bench and basketball.

As [REDACTED] was walking away from the gate, Hauscarriague ran towards him, grabbing him by the waist and attempted to perform a ground containment. [REDACTED] struggled and began pushing Hauscarriague on the right shoulder. [REDACTED] and Hauscarriague fell into a concrete wall, striking their heads on the wall.

[REDACTED]

Kotsinadelis noted that on March 21, 2017, staff overheard [REDACTED] making threats to kill an unknown NSH officer if he was not discharged from the hospital.

For complete details please refer to the exhibit.

**REVIEW OF THE ADMINISTRATIVE OFFICER OF THE DAY (AOD) FORM: (Exhibit 2)**

A review of the document identified that NSH reported the bone fracture to OLES on March 23, 2017, at 1714 hrs hrs. The event summary was consistent with what information was reported directly to the AOD.

For complete details, please refer to the exhibit.

**NSH INCIDENT REPORT 17030418: (Exhibit 3)**

A review of the incident package revealed Officer (Ofc.) BECERRA completed the incident report. There were seven supplemental reports written by other officers as well. [REDACTED] was the suspect in the report. [REDACTED]

Hauscarriague was listed as the victim in report 17030418. He was 24 years old. His personnel information listed him as 6'0" tall and 185 lbs.

For complete details please refer to the exhibit.

**INCIDENT REPORT #17030418 BY HPO JOSE BECERRA: (Exhibit 3)**

A review of the report identified that on March 23, 2017, BECERRA reported that he and HPOs Hauscarriague, Vuong TRUONG, Stuart Donaldson and Ross Tweedy were dispatched to the Unit T-13 Courtyard. While enroute, BECERRA could hear [REDACTED] screaming obscenities and threats to "kill everyone." Upon his arrival, BECERRA saw [REDACTED] pacing back and forth in front of the locked chain link entry gate with his fists clenched, arms rigid and breathing heavily. Staff were on the opposite side of the courtyard and away from [REDACTED]. There were no other patients near [REDACTED].

Donaldson gave [REDACTED] commands to walk away from gate so officers could enter the courtyard safely. [REDACTED] complied and walked towards the west cement wall. As [REDACTED] walked towards the wall, he kicked a basketball.

Hauscarriague instructed [REDACTED] to stop walking away. BECERRA began to run towards [REDACTED] but Hauscarriague reached [REDACTED] first. Hauscarriague grabbed [REDACTED] waist with both arms. [REDACTED] turned his body and resisted Hauscarriague by using his right arm to push down on Hauscarriague's right shoulder. [REDACTED] resistance forced him and Hauscarriague to make contact with the courtyard wall. BECERRA interviewed several staff that were witnesses to the incident.

*Investigator's Note: A review of the BECERRA's report identified that BECERRA provided additional information in his report regarding [REDACTED] not specific to the March 23, 2017 incident. He noted that on March 21, 2017 during the daily police shift report, a Sergeant informed him and other officers that [REDACTED] had made threats to kill an officer so that he could go back to county jail. Several officers spoke with [REDACTED] that evening and [REDACTED] again said that he was going to kill someone so he could go back to county jail. BECERRA added that [REDACTED] had physically assaulted an HPO in the past (NSH case #17-01-0122) and had exhibited a deadly weapon in the past towards HPOs. (NSH case #16-12-1688)*

*A review of NSH #17-01-0122, dated January 24, 2017, identified that HPOs responded to an alarm activation in Unit T-13, and placed [REDACTED] in a wall containment. During the wall containment, [REDACTED]*

head butted an HPO on his right temple. There were no visible injuries and no charges filed. (Exhibit 5)

A review of NSH #16-12-1688, dated December 20, 2016, identified that [REDACTED] began yelling obscenities and incoherent statements. LOC staff attempted to de-escalate [REDACTED] who slapped his radio off his bed and onto the floor. [REDACTED] was seen holding three pieces of the radio antenna. HPO arrived and directed [REDACTED] to place the broken pieces onto the floor, to which [REDACTED] eventually complied. (Exhibit 6)

For complete details please refer to the exhibit.

#### **SUPPLEMENTAL INCIDENT REPORT #17030418 BY HPO VUONG CON TRUONG: (Exhibit 3)**

A review of the report identified that on March 23, 2017, HPO Vuong TRUONG responded to Unit T-13, and upon arrival he observed 10 staff surrounding [REDACTED] while [REDACTED] back was against the courtyard chain-link fence. Staff were attempting to verbally de-escalate [REDACTED]. Donaldson ordered [REDACTED] to step away from the gate. [REDACTED] cursed, but walked away from the gate with his fists clenched and threatening to kill staff and officers.

Tweedy opened the gate as Hauscarriague verbally ordered [REDACTED] to "stop." [REDACTED] kicked a ball and turned around towards Hauscarriague with his fists clenched by his side. Hauscarriague attempted a takedown on [REDACTED]. [REDACTED] struggled and resisted the takedown. Both Hauscarriague and [REDACTED] lost balance, picked up momentum and slammed into the West cement wall. TRUONG interviewed one LOC staff witness.

For complete details please refer to the exhibit.

#### **SUPPLEMENTAL INCIDENT REPORT #17030418 BY HPO ROSS TWEEDY: (Exhibit 3)**

A review of the report identified that on March 23, 2017, HPO Ross Tweedy and other HPOs responded to the Unit T-13 courtyard. Upon arrival, he observed [REDACTED] standing on the other side of the locked entrance gate. [REDACTED] was pacing back and forth along the fence, breathing deeply with his fists clenched and his head down.

Donaldson ordered [REDACTED] to walk away from the gate. [REDACTED] yelled obscenities and walked away from the gate towards the west wall. Tweedy then unlocked the gate. [REDACTED] kicked a ball and a chair, as he continued to yell with his fists and jaw clenched and his arms rigid.

Hauscarriague entered the courtyard and ordered [REDACTED] to stop walking away. [REDACTED] began to turn towards Hauscarriague while stating, "I am going to kill you officers." Hauscarriague approached [REDACTED] and attempted to contain him by grabbing [REDACTED] waist with his arms to take him down to the ground. During the containment attempt, both Hauscarriague and [REDACTED] impacted with the cement wall. [REDACTED] face hit the wall and Hauscarriague's head hit the wall. Officers dispatched Sgt's Kotsinadelis and Sergio Flores to the scene.

For complete details please refer to the exhibit.

**SUPPLEMENTAL INCIDENT REPORT #17030418 BY HPO STUART DONALDSON: (Exhibit 3)**

A review of the report identified that on March 21, 2017, a Sergeant notified officers that [REDACTED] threatened to kill a police officer in order to go back to county jail. Donaldson spoke with [REDACTED] that evening.

On March 23, 2017, Donaldson responded to the Unit T-13 courtyard. Donaldson heard [REDACTED] yelling and upon arrival, saw [REDACTED] with his back towards the entrance gate, facing approximately ten staff members standing near the entrance/exit door of Unit T-13 on the opposite side of the courtyard. There were several patients in the courtyard as well. Donaldson ordered [REDACTED] to get away from the gate. [REDACTED] complied and walked west away from the gate with his fists clenched and rigid arms. [REDACTED] paced back and forth and Donaldson recognized this physical posturing as possible pre-attack indicator of an assault.

Hauscarriague entered the courtyard first as [REDACTED] continued to walk westward. There were bushes located along the west wall of the courtyard and Donaldson feared that there were possible weapons located in the bushes.

Hauscarriague ordered [REDACTED] to "stop." Hauscarriague attempted to contain [REDACTED] by grabbing him around the waist with his hands. Hauscarriague's chest was against [REDACTED] back and both faced westward. Hauscarriague had [REDACTED] left arm pinned to his side and attempted to take [REDACTED] down to the ground on their left side. [REDACTED] used his right hand to push down the officer's shoulder to free himself from the takedown. [REDACTED] also attempted to push free from the takedown with his legs. The momentum shifted from going to the left to the right. Hauscarriague was dragging his feet and knees to prevent [REDACTED] from gaining momentum. The momentum carried them both into the west cement wall. Donaldson also interviewed two LOC staff witnesses.

For complete details please refer to the exhibit.

**SUPPLEMENTAL REPORT 17030418 HPO MICHAEL NELUM: (Exhibit 3)**

A review of the report identified that on March 23, 2017, Officer Nelum took photographs of Hauscarriague after the incident. Hauscarriague [REDACTED]

[REDACTED]

For complete details please refer to the exhibit.

**SUPPLEMENTAL REPORT 17030418 HPO CURTIS BRANDT: (Exhibit 3)**

A review of the report identified that Brandt obtained a list of [REDACTED] injuries from Queen of The Valley Medical Center.

For complete details please refer to the exhibit.

**SUPPLEMENTAL REPORT 17030418 HPO JAMIE DAVIES: (Exhibit 3)**

A review of Detective Jamie Davies' March 24, 2017, report identified that she interviewed [REDACTED] who told Davies the police harassed him daily. [REDACTED] threatened to kill the HPOs with his hands by choking them to death. He added that on March 23, 2017, the officers jumped him

from behind and ran him into the wall. He stated that if he had the opportunity he would kill everybody and he wanted to get even with them in any way that he could.

Davies also interviewed Hauscarriague, who reported that two days prior to the incident, he was briefed that [REDACTED] had made a threat on officers' lives so he could go back to jail. Hauscarriague was also briefed that [REDACTED] was known to make weapons.

On March 23, 2017, Hauscarriague said that he responded to a personal alarm on Unit T-13 and heard [REDACTED] yelling as he approached the courtyard. He saw multiple staff inside the courtyard; however, the staff were not near [REDACTED] had his fists clenched and was pacing around. Hauscarriague believed that they were in fear for their safety. Hauscarriague said normally during a personal duress alarm, staff were trying to talk to the patient. Hauscarriague did not know what happened prior to his arrival or whether or not an assault had occurred, or whether or not [REDACTED] had a weapon. Hauscarriague wanted to keep the staff safe and the only way to do that was to go into the courtyard to gain control of [REDACTED]

[REDACTED] had his back to officers when Hauscarriague and the other officers entered the courtyard. [REDACTED] kicked a ball. Hauscarriague did not know if [REDACTED] had a weapon in his hands or on his person, nor did Hauscarriague know if [REDACTED] had weapons anywhere near him. He did not know if [REDACTED] had been searched prior to entering the courtyard. When [REDACTED] kicked the ball, Hauscarriague believed [REDACTED] was going to turn around to fight officers.

Hauscarriague believed a ground control was the safest and quickest way to control [REDACTED] and to protect everyone. He made that decision due to [REDACTED] potentially having a weapon and the threats he was making.

Hauscarriague intended to take [REDACTED] to the ground, but [REDACTED] "clenched up," and went towards the wall instead. Hauscarriague said the fall could have been as a result of [REDACTED] resisting him, but he could not be sure.

For complete details please refer to the exhibit.

#### SUPPLEMENTAL REPORT #17030418 HPO TERENCE MCCULLOUGH: (Exhibit 3)

A review of the interview identified that on March 24, 2017, that Detective McCullough assisted Davies with the interview of [REDACTED]. During the interview, [REDACTED] expressed his desire to kill police officers, adding that he had military experience and knew how to kill. [REDACTED] was arrested and charged with PC 69, Threatening/Resisting an Executive Officer, PC 243, Battery with Injury on a Peace Officer and PC 243 (d) Inflicting Great Bodily Injury in Commission of a felony.

For complete details please refer to the exhibit.

#### NSH INCIDENT REPORT #17030419: (Exhibit 4)

A review of the March 23, 2017, Use of Force information report included original reports and statements obtained from three LOC witnesses; Social Worker (SW) [REDACTED], RN [REDACTED] and Dr. [REDACTED]. Statements made by the LOC staff were consistent with statements obtained from other witnesses at the scene.

For complete details please refer to the exhibit.

**REVIEW OF NSH REPORT #17010122: (Exhibit 5)**

A review of this report, dated January 24, 2017 identified that HPOs responded to a PDAS alarm. [REDACTED] was in a seclusion room and was agitated and punching and kicking the door. Officers Ross Tweedy and Marc Avecilla entered the room and contained him against the wall. [REDACTED] used the back of his head to head-butt Ofc. Avecilla's right temple. There were no visible injuries and the officer did not want to press charges against [REDACTED]. The case was subsequently closed.

For complete details please refer to the exhibit.

**REVIEW OF NSH REPORT #16121688: (Exhibit 6)**

A review of this report, dated December 20, 2016 identified that [REDACTED] was charged with PC 417(a)(1), exhibiting a deadly weapon, non-firearm and 148(a)(1), resisting a peace officer. [REDACTED] was yelling and agitated in his room. He knocked his personal radio onto the floor and broke the antenna into three pieces. He stood in front of the nurse's station and yelled obscenities at the staff. LOC staff tried to direct him to give up the antennae pieces but he initially refused. He eventually discarded some of the antennae pieces but he held onto a "big piece" and was waving it at the staff. Officers arrived to assist. [REDACTED] still had the antennae pieces in his hands and when ordered to place them on the ground, he clenched the pieces in his right clenched fist, raised his fist chest level and "took a postured stance." After several orders to drop the weapon, [REDACTED] complied [REDACTED]. LOC staff stated [REDACTED] gave up two of the three antennae pieces. The case was forwarded to the Napa DA's Office for review.

For complete details please refer to the exhibit.

**AUDIO RECORDED INTERVIEWS BETWEEN HPO DAVIES AND [REDACTED]**

A review of the recorded interview of [REDACTED] complaint of excessive force by HPOs was in conflict with how the HPOs reported the incident. For example, [REDACTED] stated that an HPO wrapped both arms around his upper body so that both of his arms were "pinned" by the officer's arms. He then described an officer slamming his head into the wall. HPO Davies also interviewed Hauscarriague and Donaldson, whose statements were consistent with Davies' report.

For complete details please refer to exhibit 26.

**MEDICAL/NURSING DOCUMENTATION: (Exhibit 7)**

A review of the documents identified that the Interdisciplinary Notes (IDN's) authored by RN [REDACTED] were inconsistent with her statements to police on March 23, 2017. In a revised March 24, 2017, IDN, RN Mechure mentioned that the new details were provided to her by other staff. She added that [REDACTED] was verbally aggressive towards a particular male staff, yelling that the LOC staff were going to keep him at NSH forever. LOC staff were unsuccessful in their attempts to redirect him into a side room. HPOs were summoned and per other staff reports, an HPO tried to stabilize [REDACTED] against the wall and he continued to struggle. Four HPOs and [REDACTED] then fell to the ground. Despite multiple orders to calm down, he continued to struggle with HPOs.

PT [REDACTED] wrote an IDN, and stated that on the morning of March 23, 2017, [REDACTED] became upset over a misunderstanding between him and his medical team. He became very angry and aggressive. He cursed at staff, argued with them and told them he was not going to cooperate with staff anymore. An alarm was pulled and additional staff and officers responded to assist. Even though he verbally refused to go to a seclusion room, he physically went without any physical force used by staff. Staff continued to talk with him and were able to calm him down. He was not given any medication and he was not restrained during the incident.

For complete details please refer to the exhibit.

#### NAPA STATE HOSPITAL PATROL LOG MARCH 21, 2017: (Exhibit 8)

A review of the document identified that on March 21, 2017 at 2025 hrs, officers were briefed about LOC staff hearing [REDACTED] say that he was going to kill an officer so he could go back to jail. Officers spoke to [REDACTED] who consented to a search of his person and his room. Nothing was found.

For complete details please refer to the exhibit.

#### MEDICAL REPORT HAUSCARRIAGUE - [REDACTED] (Exhibit 9)

A review of the document dated March 23, 2017, identified that Hauscarriague received medical treatment for an "Injury of head" at Queen of the Valley Medical Center. Hauscarriague was provided discharge instructions for [REDACTED]. No other detail was provided.

For complete details please refer to the exhibit.

#### MEDICAL REPORT FOR [REDACTED] - [REDACTED] (Exhibit 10)

A review of this document dated March 23, 2017, identified that [REDACTED] was examined and treated at Queen of the Valley Medical Center. [REDACTED]

[REDACTED] No other detail was provided.

For complete details please refer to the exhibit.

#### STAFF ROSTER AND PATIENT LIST FOR UNIT T-13: (Exhibit 11)

A review of the March 23, 2017, staff roster indicated the following staff were on duty in Unit T-13 during the incident: Senior PT [REDACTED], PT [REDACTED], PT [REDACTED], RN [REDACTED], RN [REDACTED] and PT [REDACTED]. In addition, the census for the 1515 hrs. Unit T-13 courtyard count showed approximately 26 patients were out on the courtyard that were potential witnesses to the incident.

For complete details please refer to the exhibit.

#### PHOTOGRAPHS TAKEN FOR ORIGINAL REPORT NSH #17030418: (Exhibit 12)

A review of the two CD-Roms contained pictures of Hauscarriague's and [REDACTED] injuries while in the courtyard. It also contained a picture of a cement wall with what appeared to be blood

smears on it. There were also several pictures of [REDACTED] that appeared to be taken while he was in a medical treatment room.

For complete details please refer to the CD-rom exhibit 25.

#### **SCHEMATIC OF T-13/T-14 LOWER LEVEL BUILDINGS AND COURTYARDS: (Exhibit 13)**

A review of the Unit T-13 Courtyard depicted the orientation of buildings and the Courtyard.

For complete details please refer to the exhibit.

#### **PHOTOS AND PHYSICAL DESCRIPTION OF INVOLVED HPO'S: (Exhibit 14)**

Reviewed photographs and physical descriptors of Hauscarriague, Ofc. BECERRA, Ofc. TRUONG, Ofc. Donaldson and Ofc. Tweedy.

Please refer to CD-rom exhibit 25.

#### **DEPARTMENT STATE HOSPITAL (DSH) USE OF FORCE PATIENTS POLICY #300: (Exhibit 15)**

A review of the policy identified that DSH Use of Force-Patient 300 Policy identifies Reasonable, Excessive and Unnecessary force.

For complete details please refer to the exhibit.

#### **NAPA STATE HOSPITAL PATROL LOG MARCH 23, 2017: (Exhibit 16)**

A review of the patrol log listed the incident with [REDACTED] on the courtyard. It also identified all HPO staff and Sergeants that were present for the shift that day.

For complete details please refer to the exhibit.

#### **ADDITIONAL MEDICAL RECORDS FOR [REDACTED] (Exhibit 17)**

A review of [REDACTED] updated medical conditions identified that a Physician Order on January 20, 2017, indicated that [REDACTED] was kicking, banging doors, verbally abusive and threatening to kill staff. [REDACTED] [REDACTED] there was no indication of TSI or force used against him. To be released, he needed to be calm, redirectable and agree to not harm staff, self or others. He replied, "Fuck you, I will kill you all." [REDACTED] [REDACTED]  
[REDACTED]

There was also a notation that [REDACTED] threatened to physically injure T-13 Psychiatrist if Psychiatrist 'bugs (him) again and [REDACTED] used racist language when describing the Psychiatrist.

An IDN dated between March 21 and March 22, 2017 indicated that HPO's reported that they spoke with [REDACTED] about an incident that occurred "yesterday." HPO's reported "someone" overheard [REDACTED] threatening to kill an HPO. HPO talked to [REDACTED] about it and he became agitated. The notes also indicate that [REDACTED] was calm and cooperative prior to the date of the incident.

For complete details, please refer to the exhibit.

**PHOTOGRAPHS TAKEN BY INVESTIGATOR DAVIS: (Exhibit 18)**

June 6, 2017 photographs taken of [REDACTED] and Unit T-13 Courtyard.

Please refer to CD-rom, Exhibit 25.

**NAPA COUNTY SUPERIOR COURT PRELIMINARY HEARING REPORTER'S TRANSCRIPT OF TESTIMONY FOR [REDACTED] vs THE PEOPLE OF CALIFORNIA: (Exhibit 19)**

On July 6, 2017, the Honorable Philip Champlin, Judge heard proceedings against [REDACTED]. A review of the transcript revealed that statements made by the responding HPOs were consistent with statements that they made to Detectives or noted in their reports. [REDACTED] was threatening staff and Hauscarriague ran and attempted to conduct a takedown of [REDACTED] and Hauscarriague striking their heads on the wall. [REDACTED] as a result.

For complete details please refer to the CD-rom, Exhibit 25.

**WITNESS INTERVIEWS:****INTERVIEW OF [REDACTED] AT NAPA COUNTY JAIL:**

On June 6, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of [REDACTED] at Napa County Jail. A review of the interview identified the following:

[REDACTED] estimated that on March 23, 2017, there were at least 20 patients on the courtyard during the incident as well as several LOC staff. He said an "idiot on steroids, six foot something, 250 pounds, tackled him from behind and threw him into the cement wall face first. He did not know the identity of the HPO that tackled him, but described the HPO as a large white male in his 30's. He said he did not make any threats to the doctors, but made threats to HPOs.

The only thing he had on him in the courtyard during the incident was a small handheld Walkman with a built-in antenna in his left hand. He believed his other hand possibly was clenched during the incident. He denied hiding weapons on the courtyard. The HPOs told him to move away from the gate and he complied. He thought that the HPO was going to talk to him or put him in seclusion. He said the officer then came at him quickly, wrapped him up and took him into the wall. The only command that he was given was to, "move away from the bench."

[REDACTED] said his back was to the HPOs as he walked to within five or six feet of a cement wall. He did not actually see the HPO that tackled him. This was where the HPO directed him to move to. He said the HPO grabbed him with both hands, squeezed him tight and then drove him hard into the wall. He was not able to free any of his arms from the grasp or protect his face from hitting the wall.

[REDACTED]  
He denied saying that he was going to kill an officer to go back to jail and clarified that he said, "I want to hurt somebody to get me back to jail so I could get a trial. Not an officer." [REDACTED] said that he and the HPOs had been harassing each other for the three days prior to the UOF incident. He stated that he and Hauscarriague had recently been threatening each other.

Hauscarriague had been telling [REDACTED] that he will "take care of" [REDACTED] and he will "toss" [REDACTED] room any time he feels like it. He said the two of them have been bantering back and forth for a couple months.

Investigator's Note: Patient [REDACTED] [REDACTED] who had been [REDACTED] roommate for about one month and was his roommate on March 23, 2017, denied that HPOs had been coming to their room to talk to [REDACTED]

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #20 within the criminal case investigative summary attachment. Exhibit 25

#### WITNESS INTERVIEW OF DOCTOR [REDACTED]:

On June 30, 2017, OLES Investigators Davis and Jones conducted a digitally recorded interview of Psychiatrist [REDACTED] at NSH. A review of the interview identified the following:

On March 23, 2017, [REDACTED] and Dr. [REDACTED] were on the courtyard discussing changing [REDACTED] medication. During their conversation, [REDACTED] expressed his frustration with the staff, but calmed himself down. [REDACTED] later asked Dr. [REDACTED] if he was going to be able to go to the mall the next day. Dr. [REDACTED] told [REDACTED] that he would not be going to groups for 30 days, after being told earlier in the day that he was approved to go to the mall. [REDACTED] got angry, began cursing and yelling and walked towards the chain link gate. [REDACTED] kicked a plastic chair multiple times. There was a male staff member eight to ten feet away from [REDACTED]. The staff started conversing with [REDACTED] but [REDACTED] continued to yell obscenities. Dr. [REDACTED] did not recall that [REDACTED] postured or clenching his fists, nor did he recall [REDACTED] threatening to kill anyone. He reported that it was possible that [REDACTED] could have hurt someone on the courtyard, but it was not "imminent."

A female staff asked [REDACTED] if he would like to go to a side room and he stated, "Yes" in a loud voice, but he refused to go inside. Dr. [REDACTED] approved a staff member to activate her alarm to summon additional staff. Dr. [REDACTED] left the courtyard and did not witness the Use of Force incident. He said that [REDACTED] did not have anything in his hands that resembled a weapon. Dr. [REDACTED] said at no time did [REDACTED] behavior require the Hospital Police to intervene. He was aware of [REDACTED] injuries, and stated that it takes a lot of force and trauma to sustain the injuries that [REDACTED] suffered.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #23 the criminal case investigative summary attachment. Exhibit 25

#### WITNESS INTERVIEW WITH REHABILITATION THERAPIST [REDACTED]:

On June 30, 2017, OLES Investigators Davis and Jones conducted a digitally recorded interview of Rehabilitation Therapist (RT) [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] explained that on the morning of March 23, 2017, [REDACTED] became upset with staff, and a PDAS alarm was activated. HPOs responded. [REDACTED] was given medication and calmed down without any physical contact. On the evening of March 23, 2017, [REDACTED] was on the courtyard and heard [REDACTED] yelling. [REDACTED] walked towards the fence on the north wall and kicked a chair. HPOs arrived and the only directive that gave to [REDACTED] was to "move."

[REDACTED] yelled at the HPOs, but complied with their order to move towards the wall. As [REDACTED] turned to go with his back to the officers, the police opened the gate and they "kinda charged at him." She believed that [REDACTED] started turning around once the gate opened, but was not sure. She stated that she did not see anything that put the staff in danger. The staff were near the north side of the courtyard, standing near the middle of the courtyard, approximately 15 to 20 feet from [REDACTED]. There were also about 20 patients on the courtyard.

[REDACTED] was approximately six feet to the west of the north fence with his back to the officers, when the gate opened and, "they ran" towards [REDACTED]. She said the actions by officers looked aggressive. The officers made no attempt to contact staff to learn about what had transpired prior to their arrival. She believed that [REDACTED] may have had an MP3 player in his hands, but nothing resembling a weapon. [REDACTED] did not see [REDACTED] use one arm to turn and push the ofcr, nor did she see [REDACTED] fighting back. She also did not witness [REDACTED] going to the wall causing the ofcr to drag his knees and feet. She explained that this incident traumatized the other patients and numerous contacted the Patient's Rights Office to file complaints.

*Investigator's Note: On July 5, 2017 and July 12, 2017, Inv. Davis had several conversations with a representative responsible for supervising the Patient's Rights Office at NSH. He discovered that there was a computer database that records all Patient's Rights Complaints that the office received. A computer search was done and no complaints were located for the time surrounding the incident regarding complaints of excessive force, police misconduct, etc. that appeared to be related to the courtyard incident with [REDACTED]*

For the complete recorded interview please refer to the audio recording. Exhibit 26. For complete summarized transcript, please refer to page #29 the criminal case investigative summary attachment. Exhibit 25

#### WITNESS INTERVIEW OF PATIENT [REDACTED]

On August 2, 2017, Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of patient [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] who was [REDACTED] roommate, was on the courtyard when the incident occurred. [REDACTED] took a chair and either kicked or threw it at the gate. The HPOs came and saw him, but the gate was closed. When the HPOs were unlocking the gate, they were talking to [REDACTED] telling him [REDACTED] to face the wall. [REDACTED] started walking toward the wall, and a cop came in and tackled [REDACTED] from behind. [REDACTED] face was the first thing to hit the wall.

[REDACTED] denied hearing [REDACTED] arguing with staff or any patient prior to being tackled. He confirmed that [REDACTED] was upset, but he was not sure why. [REDACTED] stated when the officers unlocked the gate they all came in, but only one officer ran toward [REDACTED] was walking toward the wall and did not see the officer running toward him. He denied that [REDACTED] tried to defend himself or attack the HPO. He also denied that [REDACTED] threatened to kill HPOs, but admitted that [REDACTED] was "bad mouthing" the HPOs. He could not remember if [REDACTED] arms were pinned or free. He stated that [REDACTED] did not like police, but he had never heard [REDACTED] threaten to kill the police. He also stated that he did not know of [REDACTED] manufacturing or keeping any weapons.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #35 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF PSYCHIATRIC TECHNICIAN MICHELLE HOLANDEZ:**

On July 5, 2017, Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of PT [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] reported that she worked with [REDACTED] in 2015, and described him as a model patient during that time. Since then, he would act out, but was cooperative with staff and calmed down when staff talked to him. On March 23, 2017, [REDACTED] was talking to Dr. [REDACTED], when he became angry and stood up. Based on [REDACTED] history, she believed that he could hit someone, but did not threaten to harm any of the staff or patients.

[REDACTED] was near the gate when police arrived. The HPOs ordered [REDACTED] "twice" to go towards the wall. [REDACTED] did not say anything as he followed the officer's orders and walked towards the wall. The police entered the gate and one HPO rushed [REDACTED]. She saw [REDACTED] hands, did not see anything deemed to be a weapon in his hands. [REDACTED] body was tense, but his fists were not clenched. [REDACTED] "looked frustrated and upset, but not angry like he was going to kill somebody." Prior to the takedown, the HPO had his left hand on [REDACTED] lower back and his right hand on [REDACTED] arm. She said that the ofcr's arms were bent and the two had a medium amount of distance between them.

After the incident, [REDACTED] told an ofcr that an HPO "tackled" [REDACTED]. She also told the ofcr that the HPOs needed to assess their space because [REDACTED] and the HPO hit the wall. She denied telling BECERRA that [REDACTED] was threatening to kill people. She said that she did not see [REDACTED] defending himself and did not see [REDACTED] turn around and take a fighting stance. Nor did she witness an HPO dragging his knees and feet behind [REDACTED]. [REDACTED] stated that what the officers wrote in their reports is not what she witnessed.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #38 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF REGISTERED NURSE**

On July 5, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of RN [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] said that [REDACTED] was talking to Dr. [REDACTED], but got upset and started shaking the gate. She and other LOC staff tried to redirect [REDACTED] into a side room without success. [REDACTED] got angry with PT [REDACTED]. Someone summoned police to the area. [REDACTED] was tense and visibly angry with clenched fists at times. The police arrived and one spoke to [REDACTED] however, no one talked to the LOC staff. [REDACTED] was about 15 feet away from the gate, when one ofcr unlocked the gate and the police ran into the courtyard. [REDACTED] went to the wall as directed. She could not recall if [REDACTED] back was toward or away from the officers. She was not sure if [REDACTED] was walking or had stopped, because her view was blocked by the HPOs. She stated that the officers were doing their jobs, but could have done better. She believed that the ofcrs could have talked to [REDACTED] first and given him some options. [REDACTED] stated that she had never witnessed police rush in and handle a patient like they did with [REDACTED].

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #44 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF PSYCHIATRIC TECHNICIAN**

On July 5, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of PT [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] reported that [REDACTED] had a history of being verbally aggressive, but she had never seen him physically assault anyone. On March 23, 2017, [REDACTED] was talking to Dr. [REDACTED] and began getting loud. [REDACTED] told [REDACTED] that he needed to go into a side room. [REDACTED] walked away and kicked chairs, causing [REDACTED] to activate the alarm. [REDACTED] began shaking a gate, pointed at staff and stated, "Fuck you bitches." [REDACTED] stated [REDACTED] reached crisis and stated that the police were going to have to come and get him. [REDACTED] left the courtyard to retrieve PRN medication. When she returned staff were trying to talk to [REDACTED] and the HPOs were coming through the gate. [REDACTED] suggested to Dr. [REDACTED] that [REDACTED] might need an inter-muscular injection (IM), and left again to prepare the IM. When she returned a second time, [REDACTED] was on the ground. [REDACTED] stated that she activated her alarm because she felt threatened by [REDACTED]

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #48 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF UNIT SUPERVISING REGISTERED NURSE**

On July 20, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of RN [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] was in his office when an alarm was pulled. He responded to the courtyard and saw two HPOs advancing towards [REDACTED] from behind. He heard [REDACTED] yelling outside, but could not hear what was being said. When he arrived, he saw Dr. [REDACTED] on a bench and many patients on the courtyard. While about 20 feet away, he saw Hauscarriague and another HPO grab [REDACTED] arms as [REDACTED] was walking towards the wall. He saw [REDACTED] go down first. [REDACTED] legs got caught, everyone leaned forward and they went down. He assumed that they tripped, because he could not understand why the HPOs would cause [REDACTED] to hit his head on the wall. He did not hear the HPOs give [REDACTED] any orders, but was told later that they had ordered [REDACTED] to walk towards the wall. As he moved closer he could hear [REDACTED] saying that he would "kill you all. You'll hear from my Attorney." [REDACTED] had never witnessed [REDACTED] be verbally or physically aggressive towards others and did not recall any serious issues with [REDACTED]. He had heard that PT [REDACTED] reported hearing [REDACTED] threatening to kill cops, which concerned staff; however, [REDACTED] did not believe that [REDACTED] was capable of harming HPOs.

[REDACTED] denied that [REDACTED] was able to fight the HPOs, and stated that [REDACTED] was cooperative, but mouthy. [REDACTED] cursed the HPOs, but was not fighting them. He denied that [REDACTED] had an opportunity to turn towards the HPOs or take any type of aggressive fighting stance or dragging the HPO towards the wall. He stated that HPO's gained momentum as they caught up with [REDACTED] and he believed that the momentum and [REDACTED] tripping resulted in [REDACTED] hitting the wall. [REDACTED] said in hindsight, he wished the HPOs had spoken to the staff before making contact with [REDACTED] to minimize injuries.

For the complete recorded interview please refer to the audio recording. Exhibit 26. For a complete summarized transcript, please refer to page #51 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF PATIENT [REDACTED]:**

On August 1, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Patient [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] had been [REDACTED] roommate, but was discharged from NSH after the March 23, 2017, incident. On March 23, 2017, [REDACTED] was talking to Dr. [REDACTED] and began arguing with him and yelling. An alarm was activated and HPOs responded to the area. The HPOs told [REDACTED] to move from the gate and did not give [REDACTED] any other instructions or attempt to calm him down. [REDACTED] kicked a soccer ball into a wall. An HPO opened the gate and one HPO ran in without backup officers and "tackled" [REDACTED] around the waste. The HPO did not say anything to [REDACTED] as he ran toward him, and wrapped both of [REDACTED] arms to his side and did a "football" style tackle causing [REDACTED] to fall forward and strike his head on the cement wall. [REDACTED] did not protect his face. [REDACTED] was unable to struggle with the HPO or push the HPO away. He was [REDACTED] and started yelling at the officers. The incident caused [REDACTED] to be afraid for his own safety. The HPOs did not talk to the patients, and when they tried to find out the name of the HPO that contacted [REDACTED] they were told to "shut up" and go to their rooms.

[REDACTED] said that [REDACTED] did not threaten the HPO, and the reports of [REDACTED] turning towards the HPOs and taking a fighting stance with his fists clenched was untrue. He believed that Hauscarriague was attempting to take [REDACTED] to the ground, but failed. [REDACTED] also denied that an HPO was dragged behind [REDACTED] as they went towards the wall.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #58 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW WITH PATIENT [REDACTED]**

On August 2, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Patient [REDACTED] at NSH. A review of the interview identified the following:

Patient [REDACTED] had known [REDACTED] and reported that [REDACTED] was upset with his situation and his medication, but not at staff. He recalled that on March 23, 2017, an alarm was activated and the HPOs were on scene. They told [REDACTED] to get away from the gate. [REDACTED] was walking away from the gate, with his back to the officers when one HPO "rushed" [REDACTED] inside the courtyard. The HPO leaned forward and wrapped his arms around [REDACTED]. He indicated that [REDACTED] arms were to his sides. He also indicated that [REDACTED] was hit with force, causing his head to go back quickly similar to whiplash. He did not remember if [REDACTED] hands were free to protect his face. He denied that [REDACTED] attempted to fight the HPOs, or struggle with them at any time. He also stated that [REDACTED] did not turn towards the HPOs or put up his fists as if to fight the HPOs. He did not think that the HPO tried to take [REDACTED] to the wall, but meant to take him to the ground.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #60 the criminal case investigative summary attachment. Exhibit 25

**INTERVIEW WITH PATIENT [REDACTED]**

On August 2, 2017, OLES Investigators Jason Davis and Brad Jones attempted to interview NSH patient [REDACTED]. He acknowledged he knew [REDACTED] but told me he did not want to talk to me about the incident.

**INTERVIEW WITH PATIENT [REDACTED]**

On August 2, 2017, Inv. Jones and Brad Jones conducted a digitally recorded interview of NSH patient [REDACTED] in a side room at the NSH gym. [REDACTED] consented to the interview being recorded. The following is a summary of the information provided during the interview:

[REDACTED] said he was in the unit T-13 courtyard March, 23 2017. He was asked if he witnessed an event in the courtyard between [REDACTED] and HPO's. He said he was looking down when the event happened. He added he also had his headphones on. He knew that [REDACTED] was mad but he could not give details. He also remembered an alarm was hit. He said when he looked up the patient was on the floor with HPO's around him. He did not know how it happened. He had only heard from other people what may have happened. He recalled [REDACTED] asking, "Why did you crack my face?"

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #62 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW WITH PATIENT [REDACTED]**

On August 2, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Patient [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] stated on March 23, 2017, [REDACTED] was talking to the doctor and got upset, saying that he was tired and wanted to go home. [REDACTED] did not threaten to assault/kill any patients or staff. [REDACTED] believe that he was about 10 feet from the incident. [REDACTED] kicked a chair and staff tried to calm him down. HPOs responded from the police station to the gate. The HPO entered the gate while [REDACTED] was west of the gate with his back to the HPOs, the HPO ran "full speed" towards [REDACTED] and did a football style tackle when [REDACTED] was near the wall. The HPO grabbed [REDACTED] around his waist and had both of [REDACTED] arms down to his side. The HPO tackled [REDACTED] from behind. [REDACTED] could not put his hands up to avoid hitting the wall.

The HPOs did not give [REDACTED] any additional orders, until they were on the ground, when they told [REDACTED] to calm down. He denied that [REDACTED] turned around and swung on the HPO nor did [REDACTED] put his fist up and take a fighting stance with the HPO. He added that [REDACTED] was surprised along with the witnesses because [REDACTED] did what he was told to do. [REDACTED] said [REDACTED] talked a lot, but [REDACTED] had never seen [REDACTED] fight anyone. He believed that the HPOs used unnecessary and excessive force.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #62 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF PSYCHIATRIC TECHNICIAN**

On August 9, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of PT [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] was not sure when, but sometime prior to the March 23, 2017, incident, he recalled overhearing [REDACTED] conversing with a peer stating that he did not belong in NSH. [REDACTED] heard [REDACTED] say something to the effect of, [REDACTED] would rather be in prison than be at NSH and he would kill a police officer if they just showed up on the unit, he was going to make something happen. [REDACTED] reported the threat to his supervisor and the shift lead on the day that he heard the threats, or on the following day. He believed that his supervisor spoke to HPOs, and other staff about [REDACTED] comments. [REDACTED] said that the HPOs did not interview him about [REDACTED] comments.

*Investigator's Notes: A review of the NSH Patrol log dated March 21, 2017, identified that LOC staff reported hearing [REDACTED] make threats to kill an officer. HPOs talked to [REDACTED] about the comments and [REDACTED] person and room was searched for weapons with negative results.*

and [REDACTED] had a good rapport, and he had heard [REDACTED] threaten staff in the past; however, staff were able to calm [REDACTED] down. He had never witnessed [REDACTED] assault staff. He did not believe that [REDACTED] had a history of possessing weapons.

[REDACTED] did not witness the incident on March 23, 2017, but heard [REDACTED] talking loudly on the courtyard.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #64 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF SOCIAL WORKER**

On August 9, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of SW [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] recalled that unbeknownst to [REDACTED] he had received a 30-day restriction for an unknown threat. He was on the courtyard talking to Dr. [REDACTED] and was getting loud and kicking things. He was asked to calm down and warned several times. [REDACTED] pulled her alarm because [REDACTED] refused to cooperate. The HPOs arrived and opened the gate while [REDACTED] was walking away. She believed that [REDACTED] was given some warning to cooperate. The police "tackled" [REDACTED] as he was walking away. The police grabbed him and he fell and hit his head on the wall. She could not recall if [REDACTED] turned to face the HPOs, put his fists up or take a fighting stance. She did not remember witnessing [REDACTED] being tackled, turn and push the officer down towards the ground by his shoulder or [REDACTED] dragging an officer behind him. She did not believe that the HPOs were in danger when they arrived on scene, and did not see [REDACTED] with a weapon. [REDACTED] said an officer talked to her after the incident, but more concerned about how she and other staff viewed the incident versus getting detailed information about the incident.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #66 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF PSYCHIATRIC TECHNICIAN**

On August 9, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of PT [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] stated that he was on the courtyard when [REDACTED] was talking to the doctor and became upset. [REDACTED] believed that [REDACTED] was responsible for [REDACTED] not being able to attend his groups. [REDACTED] yelled obscenities at [REDACTED] and began pacing back and forth. He then walked toward the gate and started kicking chairs. [REDACTED] suggested to [REDACTED] to go into a side room, but [REDACTED] refused. A coworker activated her alarm as "[REDACTED] was just going off."

The cops told [REDACTED] to turn around and walk toward the wall. [REDACTED] complied, but continued with the obscenities. [REDACTED] stated that he was fearful of his safety "at least threatening wise." The HPOs arrived in less than one minute. They did not speak to staff members. [REDACTED] believed that [REDACTED] turned around and looked over his shoulder to see who was coming, but never put up his fists as if to fight the officers. [REDACTED] denied telling the officers during his March 23, 2017, witness interview about [REDACTED] having been "aggressive" with Dr. [REDACTED] nor mentioning anything about [REDACTED] having a history of having "improvised weapons."

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #68 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF CLINICAL PSYCHOLOGIST**

On August 15, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Dr. [REDACTED] at NSH. A review of the interview identified the following:

[REDACTED] had experienced [REDACTED] verbal outbursts in the past, but she had never witnessed him become physically aggressive towards anyone. On March 23, 2017, [REDACTED] was by the farthest wall, being loud. The HPOs opened the gate and said something to [REDACTED] that [REDACTED] could not hear. She saw three officers, "pounce" on [REDACTED]. The officers did not calculate how far away from the wall [REDACTED] was. In her 11 years of working at NSH, she had not seen a take down as "brutal," as this one.

[REDACTED] recalled [REDACTED] facing the officers, but denied that [REDACTED] attempted to fight the officers or defend himself. She stated that the officer's intervention was way over what she would expect anybody to do, not only of state hospital patient, but anyone who had nothing in his hands and was not combative. [REDACTED] said that the officer used "poor judgement" when he took [REDACTED] down, causing [REDACTED] to strike his head on the wall. She denied any of the officers interviewing her after the incident.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #74 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF SERGEANT NICHOLAS KOTSIADELIS:**

On August 24, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Sergeant Nicholas Kotsinadelis at NSH. A review of the interview identified the following:

Kotsinadelis recalled that on March 23, 2017, HPOs requested his presence on the T-13 courtyard. When he arrived, [REDACTED] was being treated at the scene. An unknown HPO briefed him on what had transpired. HPOs were directed to conduct interviews of the witnesses. He stated that if the situation warranted, an officer was supposed to use TSI before using force. He explained that when responding to alarms, officers are expected to assess the situation, then make a determination if law enforcement intervention was necessary. Ideally, if the patient was detained then the officers could do a calculated intervention.

He was told that Hauscarriague attempted a waist takedown while [REDACTED] was walking toward some bushes near the wall. Hauscarriague did the takedown from behind the left side of [REDACTED]. The two got redirected into the wall somehow. Afterwards, Hauscarriague walked and talked normally, and did not appear to be injured in any way. Kotsinadelis stated that TSI training did not teach a takedown like the one Hauscarriague performed.

He confirmed hearing someone, and later reported to the HPOs, a statement that [REDACTED] was going to kill an officer if his court hearing went bad. He could not explain why [REDACTED] was not arrested for PC 422 then, and was arrested on March 23, 2017, for the same offense.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #80 the criminal case investigative summary attachment. Exhibit 25.

**WITNESS INTERVIEW OF HOSPITAL POLICE SERGEANT SERGIO FLORES:**

On August 24, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Sergeant Sergio Flores at NSH. A review of the interview identified the following:

Flores arrived to the courtyard on March 23, 2017, and observed [REDACTED] being medically treated. He noticed Hauscarriague looking dazed and confused and Hauscarriague stated that he might have hit his head and felt nauseous. Flores drove Hauscarriague to the local medical facility for treatment. Hauscarriague's treating physician put Hauscarriague [REDACTED] protocol and released him after treatment. None of the HPOs, including Hauscarriague briefed him about what had transpired with [REDACTED].

Flores explained that it was part of the culture at NSH for patients to threaten staff, and he estimated that in six years, he had been threatened approximately 40 to 50 times. He did not recall the patients being arrested and charged with PC 422 as a result of their threats. He could not recall telling the HPOs during briefing that [REDACTED] had threatened to kill staff. He also could not recall documenting the information on the briefing sheet. He stated that Hauscarriague, nor any of the HPOs, had expressed concerns to him about [REDACTED].

For the complete recorded interview please refer to the audio recording. Exhibit 26. For a complete summarized transcript, please refer to page #87 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF HOSPITAL POLICE OFFICER NEIL LEOMO:**

On August 24, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of HPO Neil Leomo at NSH. A review of the interview identified the following:

Leomo worked the Kiosk 3, on March 23, 2017, and did not respond to the courtyard alarm activation on T-13. After the incident, Sgt. Kotsinadelis asked him to assist with escorting [REDACTED] to the hospital. He discovered that Hauscarriague was involved in the incident when he saw Sgt. Flores walking with Hauscarriague, who was walking alone and unassisted, at the hospital. [REDACTED] talked to the ambulance crew and was not aggressive nor did he behave poorly.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #91 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF HOSPITAL POLICE OFFICER CURTIS BRANDT:**

On August 28, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of HPO Curtis Brandt at NSH. A review of the interview identified the following:

On March 23, 2017, Brandt was in the police department building when the alarm was activated. He rode with Sgts Flores and Kotsinadelis to the incident site. When he got to the courtyard, [REDACTED] [REDACTED] in a recovery position. [REDACTED] was cursing and being verbally aggressive. Brandt and Leomo escorted [REDACTED] to the hospital. Brandt did not see any obvious signs of injury to Hauscarriague. At the hospital, medical staff questioned [REDACTED] about what had transpired. Brandt stated that he did not listen.

Brandt was unsure when the courtyard had last been searched for weapons, and stated that it is only searched when staff request them to search it. He had not experienced anyone finding a weapon on the courtyard, or staff finding a weapon on a patient in the secure area.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #92 the criminal case investigative summary attachment. Exhibit 25

**WITNESS INTERVIEW OF HOSPITAL POLICE OFFICER TERENCE MCCULLOUGH:**

On August 30, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of HPO Terence McCullough at NSH. A review of the interview identified the following:

McCullough reviewed the incident on March 24, 2017, and recalled there was a rough draft within RMS. He reviewed BECERRA's report, but described it as a "work in progress." Sgt. Pickard advised him that they wanted to arrest [REDACTED] but McCullough did not see the PC for arrest within the report. Det. Jaime Davies was assigned to complete the investigation, with the assistance of McCullough. He decided to establish intent and his own PC with an interview of [REDACTED]. During the interview, [REDACTED] said he was attacked, jumped and tackled from behind and ran into a wall. He stated that he had been trained that an initial contact should be a control hold.

McCullough talked to Donaldson about his report and warned him that there was going to be an IA investigation. He told Donaldson that he needed to add details to his report. McCullough had

not read the completed reports until the August 30, 2017, interview, but added that the completed reports had more information about why the force was used, than the initial report that he read on March 24, 2017. He explained that as written, [REDACTED] was complying with verbal orders and you tackle him. He believed that "they may have jumped on [REDACTED] without good reason." He pondered why the officers did not use other force options to control [REDACTED]. McCullough stated that because [REDACTED] threatened to harm Hauscarriague, "with his bare hands," he arrested [REDACTED] for PC 69. Because [REDACTED] threatened that Hauscarriague better "watch his back" McCullough charged him with PC 422, but acknowledged that [REDACTED] threatened to make future attacks.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #96 the criminal case investigative summary attachment. Exhibit 25

#### **WITNESS INTERVIEW HOSPITAL POLICE DETECTIVE ROSS TWEEDY:**

On September 5, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Detective Ross Tweedy at NSH. A review of the interview identified the following:

Tweedy was familiar with [REDACTED] and had witnessed [REDACTED] head butt an HPO. The officers used TSI to restrain [REDACTED] without using physical force. About one week prior, LOC staff asked the HPOs to search [REDACTED] room and locker because someone reported that he was going to kill staff. [REDACTED] was present for the search and was verbally resistive, but compliant. No weapons were found.

On March 23, 2017, he could hear [REDACTED] screaming as, he and the other HPOs responded to the T-13 courtyard. [REDACTED] was at the fence. Donaldson told [REDACTED] to back away from the fence and [REDACTED] walked away. Tweedy opened the gate and Hauscarriague entered the gate and told [REDACTED] to stop walking away. [REDACTED] said something like, "I am going to kill you or I want to die." About seven seconds later, [REDACTED] started to turn his upper torso counterclockwise as if looking over his shoulder. Hauscarriague ran and tackled [REDACTED]. Hauscarriague had his arms around [REDACTED] upper torso and the "brute force" pushed the two into the wall. Staff were estimated to be about 25 feet away and there were patients on the yard watching.

Tweedy reported that [REDACTED] was not attempting to harm himself or others, and his only aggression was towards the HPOs. He believed that TSI was an option and was unsure why Hauscarriague chose not to use it. He denied seeing [REDACTED] take a fighting stance or dragging Hauscarriague into the wall, stating, "That's not what I saw."

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #101 the criminal case investigative summary attachment. Exhibit 25

#### **WITNESS INTERVIEW OF HOSPITAL POLICE OFFICER JOSE BECERRA:**

On September 5, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of HPO Jose BECERRA at NSH. A review of the interview identified the following:

BECERRA was familiar with [REDACTED] and was aware of threats that [REDACTED] made against the HPO on March 21, 2017. The HPOs typically ignored [REDACTED] until he made a "shank" in December 2016, causing the HPOs to take his threats more seriously. On March 23, 2017,

BECERRA, and other HPOs responded to a T-13 courtyard alarm activation. He saw [REDACTED] pacing back and forth, yelling, screaming and threatening with his fists clenched. He was able to hear someone say something similar to "fuck you" and "I'm gonna kill everyone." Staff were on the opposite end of the courtyard, about 50 feet away. [REDACTED] walked away from the gate and kicked a ball. Hauscarriague told [REDACTED] to stop. [REDACTED] yelled he was going to kill police. Hauscarriague entered the courtyard and told [REDACTED] to stop. [REDACTED] yelled that he was going to kill police. BECERRA believed that [REDACTED] needed to be contained and believed that because [REDACTED] was facing away from them, he would be easier to contain. He and Hauscarriague ran towards [REDACTED] with Hauscarriague in front. Hauscarriague wrapped his arms around [REDACTED] waist and [REDACTED] turned his body clockwise and used his right hand to press off of Hauscarriague's right shoulder. This caused the two to move forward until they hit the wall, which was about 5 feet away. He denied that [REDACTED] turned around and faced them or took a fighting stance against the HPOs. He could not remember what [REDACTED] was doing just before Hauscarriague made contact with him. He said it "looked like" [REDACTED] pushed Hauscarriague and they went forward instead of down to the ground. BECERRA said that he tried to charge [REDACTED] with everything that he could because an officer was hurt. He said there was not direct or implied expectation to cover for Hauscarriague.

He admitted that he interviewed only a few witnesses regarding the incident, which did not include patients. He recalled the staff making the comments that he noted in his report. He stated that all of the interviews he conducted were each just a few minutes long. BECERRA was unable to explain why he did not do detailed interviews, or conduct any follow up interviews of his witnesses. He had reported that PT [REDACTED] said that police "tackled" [REDACTED] from behind. He also documented PT [REDACTED] as saying HPO's tackled [REDACTED] into the wall and he documented RN [REDACTED] as stating HPO's tackled [REDACTED] and collided with the wall. He stated that these were inaccurate descriptions because it was not a "tackle," but a takedown. BECERRA admitted that he had been trained to complete thorough interviews, and admitted that he did not do thorough witness interviews or do follow up interviews. He also did not check in with Detectives to see if any additional interviews of his witnesses were conducted. He said he had no reason for not looking into whether or not any follow up was done. He said he wrote down exactly what staff told him and would have written down anything they told him that was contradictory to what he witnessed. BECERRA said staff was lying if they said they did not say things that he quoted them as saying.

BECERRA stated that patients are usually primary witnesses during HPO investigations and he was unable to explain why the HPO's did not interview any patients.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #106 the criminal case investigative summary attachment. Exhibit 25

#### **WITNESS INTERVIEW OF HOSPITAL POLICE OFFICER STUART DONALDSON:**

On September 5, 2017, OLES Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of HPO Jose BECERRA at NSH. A review of the interview identified the following:

Donaldson was familiar with [REDACTED] from having contact with, and talking to him in the units. Staff would ask for assistance because [REDACTED] was being uncooperative. There was only one instance, the head butting incident, where HPOs used police intervention. He recalled being informed two days prior to the incident, that [REDACTED] had threatened to kill police to go back to

jail. Donaldson was not frightened, or had a sustained fear because of the threats. He said that an arrest of PC 422 or 69 were not appropriate at that time.

On March 23, 2017, Donaldson and other HPOs responded to T-13 courtyard and heard [REDACTED] yelling. [REDACTED] was standing near the gate. Donaldson told [REDACTED] to walk away from the gate, and [REDACTED] complied. [REDACTED] appeared angrier than normal, and had clinched fists as if ready to fight. Staff were on the opposite end of the courtyard near the unit entrance/exit door. He could not recall if [REDACTED] had anything in his hands like a Walkman radio. [REDACTED] turned his back and Hauscarriague ran to [REDACTED] and wrapped his arms around [REDACTED] waist. He began to drag Hauscarriague to the ground. [REDACTED] put his hand on Hauscarriague's shoulder area, pushed away to break free. Hauscarriague tried to contain him, but they went into the wall.

He said that Hauscarriague's head was below [REDACTED] arm so [REDACTED] had both hands free. He described [REDACTED] doing a "Heisman Trophy" straight arm type move and running a pushing away at the same time. [REDACTED] did not make any attempts to turn around prior to the contact. Donaldson could not explain why his account of the incident was completely different than everyone else's account. He stated that he had not been trained to conduct a takedown by wrapping his arms around someone and taking them to the ground.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #114 of the criminal case investigative summary attachment. Exhibit 25

#### **WITNESS INTERVIEW OF HOSPITAL POLICE OFFICER VUONG TRUONG:**

On September 11, 2017, Investigators Jason Davis and Brad Jones conducted a digitally recorded interview of Vuong TRUONG at NSH. A review of the interview identified the following:

TRUONG stated that on March 23, 2017, he responded to the T-13 courtyard and recalled [REDACTED] facing Hauscarriague during his contact with [REDACTED]. The HPOs ran towards that courtyard and saw [REDACTED] had his back up against the chain link fence of the entry gate. Donaldson told him to step away, and [REDACTED] started walking away. He believed that [REDACTED] had his fists clenched when he was walking away. Tweedy opened the gate. Hauscarriague told [REDACTED] to stop, and [REDACTED] kicked the basketball that was laying on the ground and turned around completely around and faced Hauscarriague threatening him. Hauscarriague initiated a takedown grabbing him around his waist, and [REDACTED] kind of pushed off a little bit and they both just stumbled. Staff formed an arch surrounding [REDACTED]. He describe the staff being approximately 10-15 feet away. He stated that after the gate was opened [REDACTED] walked slowly away and he did not believe [REDACTED] was trying to get away from officers.

For the complete recorded interview please refer to the audio recording Exhibit 26. For a complete summarized transcript, please refer to page #123 of the criminal case investigative summary attachment. Exhibit 25

**ADMINISTRATIVE SUBJECT INTERVIEW OF HOSPITAL POLICE OFFICER STUART DONALDSON:**

On November 8, 2017, OLES Investigators LaBarbara Nash and Teddi Claudio-Davidson conducted a digitally recorded administrative subject interview of HPO Stuart Donaldson at NSH. Donaldson was advised of his rights and read the OLES Subject-Administrative Inquiry-Peace Officer admonishment form (OLES #311-A) (Exhibit 20). Donaldson elected to be represented by California Statewide Law Enforcement Association Senior Legal Counsel Ryan Navarre during the interview. The following is a summation of the information provided during the interview:

*Investigator's Note: Prior to the interview, Donaldson was provided a copy of his September 5, 2017, OLES interview, his March 23, 2017, Supplemental Report #17030418, and a transcript of his July 6, 2017, Superior Court testimony.*

Donaldson had worked as an HPO for DSH since 2014, and had no prior police officer experience. Donaldson acknowledged that on March 23, 2017, he was assigned to the Bicycle Patrol from 1400-2200 Hours. He could not recall if he had worked during the morning of March 23, 2017.

As a Bike Patrol officer, Donaldson was responsible to respond to calls, PDAS activations to help defuse situations or assist staff based on the need, patrol the grounds and write reports when crimes occurred.

Donaldson identified the safety equipment that he wore on March 23, 2017, which consisted of a DSH radio, protective bullet-proof vest, OC pepper spray, baton and handcuffs. Donaldson also described the uniform that he wore, which consisted of black tactical pants, black Polo shirt and an external tactical vest that contained the words "Police" on the front.

His partners that day were Hauscarriague, Tweedy, Truong and Becerra. He had worked with Hauscarriague and Becerra for about two years, and only a few months with Tweedy and Truong. Donaldson admitted that he had a personal relationship with Hauscarriague, Truong and Becerra, but only associated with Tweedy on occasion. He stated that he had a good working relationship with the other HPOs and described them as being dependable and honest in character.

Donaldson acknowledged that he attended ART typically in November. During ART he received weaponless defense, baton, pepper spray, Use of Force and Cardiopulmonary Restitution (CPR) training.

Donaldson acknowledged that he had received training in the DSH Standard of Conduct #320 (Exhibit 21) policy and agreed with the policy, which states in part, "*This policy applies to all Office of Protective Services (OPS) employees. Employees are to familiarize themselves with this manual and be responsible for compliance.*" He was aware that he was subject to disciplinary action for violation of subsection 320.3.5 (p) which states in part, "*Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any official document, report or form or during the course of any work-related investigation.*"

Donaldson acknowledged that he had received training in the DSH Report Preparation #322 (Exhibit 22) policy and stated that he had been trained in the academy how to write a report and complete an investigation. He also received additional training during his 12-16 week FTO program. In regards to his training for completing a criminal investigation, Donaldson said that

he was to report what he witnessed, conduct witness interviews of all witnesses and to complete a good foundational report.

Donaldson acknowledged that he received DSH Use of Force-Patients #300 policy training, but was unsure of the last time prior to March 23, 2017. He defined reasonable force as, "The amount necessary to effect an arrest or defuse a situation." Donaldson was read the definition per the policy, and agreed that he had been trained in the policy definition. He defined Excessive Force as, "Anything that goes beyond the scope of the policy to effect an arrest and the patient is compliant and you continue." He was read, and agreed that he had been trained the policy definition.

He agreed with the Law Enforcement intervention, subsection 300.1.2, which states in part, "Intervention can only be used by officers and is not to be considered as the first-response, but rather an assistive option." He defined Calculated Interventions an instance where, "You access a situation and make a decision if you're involvement is necessary and what level you need to be involved in." Donaldson was read the policy definition and agreed that he had been trained in the policy definition.

Donaldson articulated the policy UOF options, and indicated that he also received training on numerous takedown and pain compliance/control hold techniques. He was trained in, and described the mechanics of the wrist lock and straight arm takedowns. He conveyed that these type of compliance techniques were used when an HPO had control of a patient, but the patient became resistive and/or combative. He also indicated that he had been trained to perform holds on the ground and the progression leading to an arrest and handcuffing,

Donaldson agreed that he attended annual TSI training, but could not recall when he last attended the training prior to March 23, 2017. He was read and agreed with the TSI policy which states in part, "*Officers are expected to follow TSI up to the point that the situation is no longer in control or the use of a weapon is involved.*" (Exhibit 23)

He explained his responsibilities as an HPO relative to TSI by stating that LOC staff are the primary responders during an incident. The LOC staff perform TSI by using "soft two-finger holds," to control a patient. The HPOs try not to get involved in the incident because it was an escalation. He explained that when LOC staff activate their PDAS alarms, they believe that they are in a situation that is out of their control. He was asked at what point did HPD get involved in an incident, and initially responded, "When a crime has been committed." Donaldson later changed his response and stated that HPD get involved when they believe that a crime was going to happen and someone was showing signs of aggression.

Donaldson stated that typically when an HPO responded to an alarm, they inquire from staff why the alarm was activated. He agreed that even after HPOs respond to an alarm, the staff still can perform TSI with the HPOs present.

He explained that on March 21, 2017, he received information from Sgt. Flores that [REDACTED] was overheard saying that he would kill an HPO to get back to jail. Donaldson, and other HPO who he could not recall, went to the unit to speak to [REDACTED] about the threat. He was shown the March 21, 2017, BPU Patrol Log indicating that [REDACTED] was verbally aggressive, but agreed to a personal and room search. Donaldson said that [REDACTED] was in a side room when he went to talk to him and was agitated and verbally aggressive. The HPOs spoke to [REDACTED] through the door. Several times during their conversation, [REDACTED] took a bladed stance. He stated that

[REDACTED] mentioned something about a weapon, and the HPOs took the threat as credible, but did not search [REDACTED] room, document the incident or report the information to their supervisor. He believed that [REDACTED] was attempting to de-escalate himself because he was pacing back and forth and yelling.

He was present when [REDACTED] head butted another HPO, and had received information that [REDACTED] had swung a broken metal antenna at officers.

Donaldson acknowledged that prior to March 23, 2017, his experience with [REDACTED] had been that [REDACTED] was verbally assaultive, yet commonly followed verbal commands and staff were able to talk him down and he listened to the HPOs. When [REDACTED] was non-compliant, his behavior did not warrant police intervention.

He acknowledged being interviewed by Davies on March 24, 2017, for the purpose of obtaining information to charge [REDACTED] after the UOF incident. He told Davies that [REDACTED] had been really aggressive toward the HPO's and that on March 23, 2017, he was afraid that [REDACTED] was going to run away from them. He did not know if [REDACTED] had a weapon around him or had an alternative motive for running away. He explained that he did not want [REDACTED] to get into a positon of advantage with his back against the wall. However, he admitted that he had not experienced [REDACTED] run away from him, nor did he have any knowledge of [REDACTED] running away from or toward any staff to assault them. Donaldson denied that he intentionally embellished his responses to Davis in an attempt to justify Hauscarriague's UOF.

On March 23, 2017, Donaldson was in the Gus O'Farrell Substation and observed the PDAS alarm board showing that an alarm had been activated on the Unit T-13 Courtyard. Donaldson, Becerra, Tweedy, Truong and Hauscarriague responded to the courtyard. He estimated that it took approximately 10 seconds to get to the courtyard. As they approached, he could hear [REDACTED] yelling obscenities at staff. [REDACTED] had his back to the HPOs. Donaldson told [REDACTED] to step away from the gate. [REDACTED] looked over his shoulder and stated, "Fuck you mother fuckers" and walked away from the gate towards the wall. He estimated that [REDACTED] was about 20 feet from the officers when he turned to look back at them, and about 80 feet from the staff at the opposite end of the courtyard. Tweedy opened the gate, and Hauscarriague entered the gate first.

*Investigator's Note: During the interview, Donaldson diagramed Unit T-13 Courtyard and noted the HPD at the gate, [REDACTED] initial location and the location of staff and the wall. (Exhibit 24)*

He, nor any of the other HPOs inquired from the LOC staff why the alarm was activated. Donaldson was asked several times to describe the threat that he observed, which warranted the UOF. He responded that [REDACTED] had rigid arms, clenched fists, was agitated and had kicked a ball. He agreed that none of the aforementioned was a deemed a crime.

Donaldson stated that [REDACTED] threatened to kill the HPOs. Hauscarriague gave [REDACTED] a command to "stop" about 3 seconds after Donaldson told him to move away from the gate. Donaldson initially stated that he did not hear anyone else give [REDACTED] any commands. When asked then, why he reported to Davis that the HPOs gave [REDACTED] lawful commands to stop, he responded that he now only remembered him and Hauscarriague giving commands. He added that he assumed other officers gave [REDACTED] commands to stop prior to the UOF. He later changed his statement again and indicated that another HPO, other than Hauscarriague, gave [REDACTED] commands to stop, but he could not remember who.

Hauscarriague "trotted" towards [REDACTED] who had rigid arms and clenched fists. Hauscarriague grabbed [REDACTED] by the waist. Hauscarriague was facing [REDACTED] back with his arms around [REDACTED]. Hauscarriague had [REDACTED] left arm pinned to his side. [REDACTED] put his right hand on Hauscarriague's right shoulder as he pushed away and turned simultaneously as he tried to "break free from the tackle." He explained that he saw Hauscarriague stumbling and on his hands and knees at one point trying to contain [REDACTED]. Their momentum shifted from going down on the left to going down on the right side towards the wall. Donaldson saw Hauscarriague's head hit the wall and snap backwards before Hauscarriague and [REDACTED] slid to the ground. He then pulled the chain, which is attached to the gate and locked the gate.

He recalled that there were about 10 staff at the unit entrance and one staff member near the southern portion of the wall. He now stated that he was concerned at the time that [REDACTED] was going to walk towards the lone staff member. When advised that he did not mention a lone staff member in his report, Donaldson responded that he did not think it was important. He now believed that the information should have been added to his report. He admitted that he never saw [REDACTED] attempt to attack any staff on the courtyard, and he did not recall seeing any patients on the courtyard.

Donaldson was reminded that on September 5, 2017, he reported that both of [REDACTED] arms were free. He now stated that he misspoke during the previous OLES interview, and recalled that one arm was pinned down. He characterized Hauscarriague's actions as a "controlled takedown," because of the way Hauscarriague was attempting to drag [REDACTED] to the ground. He admitted; however, that he had not been trained by DSH to perform a tackle-type controlled takedown. He stated that he had been trained to improvise, but agreed that improvising was used in life or death situations.

Truong [REDACTED] [REDACTED] and supervisory and medical staff were summoned to the area. Donaldson asked Sgt. Flores and Kotsinadelis what could he do to assist, and was instructed to assist with conducting witness interviews. He did not interview any patient, because he believed that another HPO was interviewing them. Donaldson explained that typically, the HPD obtain a staff roster to ascertain who was on-duty; however, this time they did not obtain a roster. He had no viable explanation for the incomplete investigation and admitted that they should have done better.

He completed witness interviews of Dr. [REDACTED] and RT [REDACTED]. When advised that had reported to OLES Investigators that the HPOs entered the courtyard "aggressively," Donaldson stated that he did not recall [REDACTED] making the comment and if she had he would have written it down. He denied that he intentionally omitted the description. He admitted that witness interviews were short and he did not ask any follow up questions during the interviews.

Donaldson and the other involved HPOs completed their reports in the Gus O'Farrell substation. He believed that he had two rough drafts before a final draft was approved. He explained that the involved HPOs reviewed each other's reports for spelling and grammatical errors. He denied that he made any content changes to his report or was coerced to change his report. He stated that the facts stayed the same, he just added more detail. He conveyed that everything in his report was his own direct observation.

He stated that after the incident, the involved HPOs did not discuss the incident, but talked about their hope that Hauscarriague was alright, and who conducted specific interviews.

Donaldson was asked if he talked to anyone else about his report, to which he stated that he did not. He was asked if McCullough spoke to him about his report, to which he responded, "I don't recall that he did, no." He was then advised that according to McCullough, he spoke to Donaldson about his report and told him that it did not have any information explaining the UOF and IA was going to be investigating the incident. Donaldson then stated, "I remember him mentioning something like that." When asked why he did not admit that he had talked to McCullough about his report initially, he stammered and responded, that he did not recall the conversation initially. He again denied that he changed any details in his report and explained that he may have provided a better description about the incident but did not change the facts.

He was asked on March 23, 2017, when he responded to the T-13 courtyard, what he anticipated was going to happen. He believed that they would walk away with [REDACTED] back to the unit without incident. In hindsight, he believed that there should have been more communication between everyone involved, including talking to [REDACTED]. Donaldson believed that the UOF at the time was best because [REDACTED] had his back to the HPOs and was at a position of disadvantage.

Donaldson believed that Hauscarriague's UOF was not excessive, but reasonable force because Hauscarriague did not intend to hurt [REDACTED]. However, he admitted that Hauscarriague was not preventing an escape, was not overcoming resistance nor was he effecting custody of [REDACTED] when he used physical force against [REDACTED]

For complete details refer to the audio recording, Exhibit 26

#### **ADMINISTRATIVE SUBJECT INTERVIEW OF HOSPITAL OFFICER VUONG C. TRUONG:**

On November 9, 2017, OLES Investigators LaBarbara Nash and Teddi Claudio-Davidson conducted a digitally recorded administrative subject interview of HPO Vong Truong at NSH. Truong was advised of his right to have representation present during the interview and elected to have California Statewide Law Enforcement Association Senior Legal Counsel Ryan Navarre as his chosen representative. Truong was advised of his Peace Officer rights and read Subject-Administrative Inquiry -Peace Officer form OLES #111B. (Exhibit 20) The following is a summation of the information obtained during the interview.

*Investigator's Note: Prior to the interview, Truong was provided a copy of his September 11, 2017, OLES interview, his March 23, 2017, Supplemental Report #17030418, and a transcript of his July 6, 2017, Superior Court testimony.*

Truong was hired by NSH as a HPO in 2016, and was previously employed at NSH from 2014 to 2016, as a Psychiatric Technician. Truong had no prior law enforcement experience.

Truong indicated that he has a good working relationship with Donaldson, Becerra, Tweedy and Hauscarriague. He also has an off-duty friendship with Donaldson, Becerra and Hauscarriague.

Truong acknowledged that he attended annual ART, during which the Use of Force-Patients Policy #300 was reviewed. He has not received Standards of Conduct Policy #320, Report Preparation #322 or Investigative training since the academy. Truong agreed that as a peace officer, he was held to a higher standard of conduct and acknowledged that the DSH policies applied to him. He explained that he reviewed the DSH policies through Lexipol. Truong agreed that he was expected to review daily bulletins and stay updated on policies.

Truong was asked to explain Reasonable Force. Truong stated, "Using the amount of force to control a situation; diffuse a situation; not going overboard." The definition of Reasonable Force per the policy was read to Truong and he agreed that he had been trained in the definition.

Truong was asked to explain Excessive Force. Truong stated it is, "Using more force than necessary". The definition of Excessive Force was read to Truong and he agreed that he had been trained in the definition.

Truong explained that all staff, both sworn and non-sworn received training in TSI. Truong stated that TSI was commonly used by LOC staff. Truong was asked to explain his responsibility as an HPO regarding TSI. He stated, "For the most part, we see if staff can handle it first and if they can't, we jump in." The HPD's responsibility in TSI section of the DSH TSI was read, which states in part, "Officers are expected to follow TSI policies up to the point that the situation is no longer in control or the use of a weapon is involved." Truong acknowledged that he had been trained in the policy. Truong was asked to explain a "Wall Containment." Truong stated, "Having the individual up against the wall and trying to immobilize him that way."

Truong was asked if he was familiar with the different levels and/or options of force per the Use of Force – Patient Policy #300. Truong was familiar with the UOF options and stated during UOF training he was trained on specific methods of restraints and/or control holds.

Truong was asked if he knew the difference between an Emergent Situation and a Calculated Intervention. Truong stated, "In a Calculated Intervention you have time, time is on your side. You can plan ahead."

Truong was asked about the use of pepper spray as a use of force option. Truong explained that using pepper spray was, "Kind of a no-go around here because of all of the scrutiny that comes after that." Truong was asked if in his opinion, using his baton and/or pepper spray was frowned upon in this department. Truong stated, "Yes, unfortunately."

On March 23, 2017, Truong worked from 1400-2200 hours and was assigned to Bike Patrol. Truong was in full uniform and had all of his safety equipment on his person. Truong worked that day with HPOs Tweedy, Hauscarriague, Becerra and Donaldson who were all assigned to report to the Gus O'Farrell Substation, near Unit T-13 Courtyard.

At approximately 1545 hours, while at the Gus O'Farrell Substation, a PDAS alarm was activated in Unit T-13 courtyard. When the HPOs stepped outside, they could hear yelling coming from the courtyard. Truong stated they ran over to the courtyard, which took approximately 15 seconds. Once they arrived, he saw [REDACTED] standing with his back against the chain-linked fence gate entrance. There were approximately 10 staff members approximately 30-40 feet away from [REDACTED] in the middle of the courtyard surrounding [REDACTED]. He did not recall any other patients in the courtyard. [REDACTED] was yelling profanities at the staff and staff members were trying to talk [REDACTED] down, but he did not recall if he heard them say anything.

It was brought to Truong's attention that in his report he stated "the staff were trying to de-escalate [REDACTED]. When asked how he knew this, he stated he did not recall if he heard the staff, but assumed that is what they were doing. Truong was asked if he had been trained to document facts or assumptions in his reports, to which he responded that he had been trained to write facts and not assumptions.

During the interview, Truong diagramed the T-13 courtyard area and identified the location of the gate entrance; the location of [REDACTED] and the location of the staff. (Exhibit 24) Truong stated none of the responding officers tried to contact the LOC staff to find out what was going on, nor did the HPOs communicate a plan of action prior to contacting [REDACTED]

Donaldson told [REDACTED] to step away from the gate. [REDACTED] turned around, faced the officers, and said, "Fuck you motherfuckers". Truong stated [REDACTED] turned back around and started walking in a southwest direction towards the west wall, as he was yelling, "I'm going to kill you all, one by fucking one." When asked if he felt [REDACTED] was compliant by walking away from the gate, Truong stated that he did. Truong stated Tweedy opened the gate and they entered the courtyard and approached [REDACTED]. Hauscarriague told [REDACTED] to, "Stop."

He stated [REDACTED] stopped and kicked a ball on the ground. Truong stated [REDACTED] turned his upper torso slightly to the left to look behind him. When asked if [REDACTED] was compliant with Hauscarriague's command to stop, Truong confirmed [REDACTED] was compliant and stated, "He did stop."

Hauscarriague was the first officer to enter the courtyard, followed by Becerra, Truong, Donaldson and Tweedy entered last. Truong had planned on talking to a LOC staff member when he entered the courtyard; however, Hauscarriague and Becerra went directly toward [REDACTED] and Truong followed as backup. Truong did not see anything in [REDACTED] hands, but saw [REDACTED] walking with clenched fist. He recalled that [REDACTED] had headphones on, but did not see anything in [REDACTED] hands or on [REDACTED] person that appeared to be a weapon.

Truong stated Hauscarriague was initially walking, then started running towards [REDACTED]. Hauscarriague's contact with [REDACTED] was made simultaneously, as [REDACTED] turned to look back, Hauscarriague made physical contact. Truong stated the contact occurred approximately two seconds from the time Hauscarriague gave [REDACTED] the command to stop. Truong stated when Hauscarriague made contact with [REDACTED] had turned completely around and the two were then facing each other. Truong stated Hauscarriague had his arms around [REDACTED] waist area with his hands on [REDACTED] back.

Truong stated that due to Hauscarriague's height (6ft), compared to [REDACTED] (5'5"ft), Hauscarriague had to lower his upper body in order to place his arms around [REDACTED] waist. Truong stated that during the contact, Hauscarriague's face was at [REDACTED] chest level. Truong stated [REDACTED] extended his right arm and pushed off from Hauscarriague. Truong did not remember where [REDACTED] left arm was, or if it was pinned down by Hauscarriague's hold. Truong was standing approximately 5ft from the contact, approximately 1-2 arm's length away.

Truong stated Hauscarriague and [REDACTED] were "stumbling around" and [REDACTED] was trying to push away from Hauscarriague. Hauscarriague and [REDACTED] struggled and [REDACTED] turned again, now facing the wall, and away from Hauscarriague. Truong stated Hauscarriague never let go of [REDACTED] waist and they hit the wall approximately 3 seconds from time of contact.

Truong was asked if he observed [REDACTED] commit any crimes prior to the UOF that required the level of force that was used that day. He stated he did not. Truong was asked if he felt threatened by [REDACTED] and he stated he did not. He was asked if there was a threat to any of the staff members, and he stated, "No." Truong confirmed he did not see a threat that required the UOF action that was taken by Hauscarriague.

Truong stated that Hauscarriague was trying to perform a takedown on [REDACTED]. He had not seen the type of takedown technique that Hauscarriague used, nor had he been trained to use a tackle-takedown technique.

Truong confirmed he conducted a witness interview of Psychologist [REDACTED] immediately after the incident. Truong was advised that when interviewed by OLES Investigators, [REDACTED] advised she was not interviewed by HPD on the day of the incident. Truong replied that he did interview [REDACTED]. Truong was advised [REDACTED] provided more details about what she observed the day of the incident to OLES Investigators. Truong stated at the time of the incident, he had worked patrol for 3 months; and did not ask [REDACTED] more detailed questions about what she observed. Truong stated he was not sure what to ask, and believed it was a lack of experience.

Truong was asked about the inconsistencies between his report and the reports of other HPOs, i.e. 10 staff members vs. no staff members in the courtyard and [REDACTED] turning to resist Hauscarriague. Truong stated the incident happened quickly, and he reported what he remembered. He could not explain why his account of the incident was different from everyone else's, and repeated it was what he recalled happening. Truong stated there was no intent to misrepresent any information on his reports. Truong confirmed he was trained to write an accurate report. Truong wrote his report and submitted it into RMS on the day of the incident. Truong stated there is no information in his report that is not his independent recollection of the incident, and that he did not rely on anyone else's report.

Truong stated the incident was discussed during debrief with all of the involved HPOs later that day. He noted the inconsistencies as each officer provided their account of what happened; however, they were all told by Sgt. Kotsinadelis to, "Write how you saw it." Truong stated he did not have a discussion with anyone regarding what to write in his report.

Truong was asked based on his observations, did he believe the patient's actions warranted a use of force. Truong stated, "Based on my observations, no one else's. I thought it was a little excessive." He was asked if he thought the use of force was excessive, and he stated, "Yes." Truong stated he would have spoken to the staff first.

Truong stated, "Hauscarriague didn't mean to put him in the wall." He believed that Hauscarriague meant to take [REDACTED] down, but believed that because [REDACTED] resisted and pushed off Hauscarriague, they stumbled and went towards the wall. Truong indicated he believed it was a combination of both their actions that caused them to hit the wall. Truong was asked if he felt that he made any statements in his report that indicating that the patient's actions caused them hit to the wall. Truong stated, "No."

Truong indicated he has been honest during his reporting of the incident, as well as during the OLES investigation. He also indicated the inconsistencies and/or errors in his report were due to lack of experience and there was no intent to deceive.

For the complete recorded interview please refer to the audio recording. Exhibit 26

**ADMINISTRATIVE SUBJECT INTERVIEW OF HOSPITAL POLICE OFFICER MICHAEL HAUSCARRIAGUE:**

On November 9, 2017, OLES Investigators LaBarbara Nash and Teddi Claudio-Davidson conducted a digitally recorded administrative subject interview of HPO Michael Hauscarriague at NSH. Hauscarriague was advised of his right and read the OLES Subject-Administrative Inquiry-Peace Officer form (#311-A). (Exhibit 20) Hauscarriague elected to be represented by Rein, Lucia and Stern Attorney Julia Fox during the interview. The following is a summation of the information contained during the interview:

**Investigator's Note:** *Prior to the interview, Hauscarriague was afforded the opportunity to review a copy of his July 6, 2017, Superior Court testimony, as well provided a copy of the statements that he provided to Detective Jaime Davies March 24, 2017, in her Supplemental Report #17030418.*

Hauscarriague had worked as a DSH HPO at NSH for three years, and had no other law enforcement experience. He did not attend the DSH HPO Academy, but in 2011-2012 attended the Sheriff's Academy at Contra Costa County. He had worked the Bike Patrol for about two and one-half years and as a Bike Patrol officer was responsible to patrol the Secure Treatment Areas, walk through the units, respond to PDAS alarms and assist staff with calls for help/assistance.

On March 23, 2017, Hauscarriague was in full uniform that consisted of a Polo shirt with patches on the sleeves and the word "Police" on the front and back of his vest, making it apparent to everyone that he was an HPO. He also wore, and had in his possession DSH issued safety equipment including a ballistic vest, baton, Pepper Spray, handcuffs and radio. He estimated that his vest weighed approximately 15 pounds.

On March 23, 2017, he worked 1400-2200 hours, and was partnered with HPOs Donaldson, Truong, Tweedy and Becerra. Hauscarriague said that he had worked with the aforementioned HPOs on a regular basis and indicated that he and the other HPOs had a good working relationship and also had an off-duty friendship.

Hauscarriague acknowledged that he attended ART, which he indicated was primarily training about how the HPOs are to work with the LOC staff. He acknowledged that he was familiar with the Standard of Conduct #320 policy. He was read, and agreed with the policy which stated in part, "*This policy applies to all Office of Protective Services (OPS) employees. Employees are to familiarize themselves with this manual and be responsible for compliance.*" He was aware that he was subject to disciplinary action for violation of subsection 320.3.5 (p) which states in part, "*Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any official document, report or form or during the course of any work-related investigation.*"

Hauscarriague stated that he was not familiar with the DSH Control Devices and Techniques #304 policy, but agreed that he had completed training relative to the use of pepper spray and baton. He was unsure what size pepper spray canister he carried each day, but believed that he had been trained that his Pepper Spray could be used at a minimum distance of five to seven feet away from his intended target.

Hauscarriague was asked to articulate under what circumstances pepper spray was authorized to use on a patient. He responded, "When it is the force necessary to control the situation." He agreed that pepper spray could be used when he wanted to have some distance between him

and the patient, and he was not aware of any restrictions prohibiting the use of pepper spray at NSH.

Hauscarriague indicated that HPOs were not given TSI training for some time, and he believed that he had not received the training for about two years. He stated that NSH, "Kind of did away with TSI training for a little bit." Recently; however, he attended TSI training where he was taught about [REDACTED] restraints, but did not believe that he was taught the entire TSI training and did not recall performing and/or reviewing any control holds during the training. He admitted to reviewing the policy during the training, but could not recall when he attended the last TSI training. He stated that per the policy, as an HPO, if applicable, TSI was to be used before anything else and that LOC staff were the primary and supposed to do TSI.

During additional questioning, Hauscarriague recalled being trained the TSI "Escort Position," which was used to control patients who were combative and not walking on their own. He explained that HPOs are trained to do wall containments, rear wrist lock or the arm bar to control patients and prevent them from fighting. According to Hauscarriague, the purpose of a ground/floor containment was to try and get the patient on the ground so that handcuffs could be applied. He explained that HPOs are taught multiple ways to get a patient to the ground, including wrist lock, arm bar and dragging them down to the ground.

Hauscarriague acknowledged that he had been trained annually in the DSH UOF Patient #300 Policy, which included a physical component. He explained his understanding of the UOF policy to mean that he is authorized to use force when he felt threatened or other people were being threatened. He defined Reasonable Force as the force needed to make an arrest, prevent escape or overcome resistance. He was read, and agreed that he had been trained in the policy, which states in part, "The degree of force which a similarly trained and experienced officer on scene with similar facts and circumstances, without the benefit of hindsight, would deem reasonably necessary to effect an arrest, prevent escape or overcome resistance in order to protect themselves, a patient, DSH employees, visitors, or the public."

He defined Excessive Force as force that is more than necessary to make an arrest, prevent escape or overcome resistance. He was read, and agreed that he had been trained in the definition of Excessive Force, which states in part, "Use of more force than is objectively reasonable to accomplish a lawful purpose."

Hauscarriague understood Calculated Interventions to be used when there was time to decide what was he was going to do to control the situation, and not just "go in there." He was read, and agreed that he had been trained in this portion of the policy which states in part, "Instances where time and circumstances permit a planned response to a pending or current conflict scenario involving a patient, prior to implementation of that response. The response should include consultation with clinical staff and police supervision to assess any contraindicative concerns, as well as consider viable alternative strategies."

He was also read, and stated that he had been trained in the policy's definition of Emergent Interventions. He also was read, and agreed that he had been trained in the portion of the policy which states in part, "Officers shall assume primary responsibility for all crimes, hostage situations, escapes, riots, routs, and armed patients."

Hauscarriague was familiar with [REDACTED] from prior contact with him inside Units 11 and 13, where he indicated that [REDACTED] was "pretty hostile" towards the HPOs. Hauscarriague recalled

an occasion when [REDACTED] threatened to "kick my (Hauscarriague's) ass." He was not afraid of [REDACTED] because he and his partner had [REDACTED] under control. He believed that [REDACTED] had threatened to kick his ass because [REDACTED] was upset. He did not report the threat to a supervisor, nor did he have a sustained fear of [REDACTED] because of the threat. He did not deem [REDACTED] threat to kick his ass as a terrorist threat because [REDACTED] "had to be able to execute his threat" to be charged.

On March 24, 2017, Hauscarriague reported to Det. Davies that on March 21, 2017, Sgt. Kotsinadelis informed him during briefing that [REDACTED] had threatened officer's lives so that he could go back to jail, and [REDACTED] was known to make weapons. Specifically, he was told that [REDACTED] had broken a radio antenna into a "shank." He did not question the accuracy of the information by reading the incident report even though he had access to it. He also recalled that sometime in December 2016, [REDACTED] head butted an officer, while the officer was assisting staff in a side room. During the interview, Hauscarriague was shown the March 21, 2017, Bike Patrol Unit log on which his name did not appear. He indicated that he was mistaken and was not informed on March 21, about [REDACTED] threat but on March 22, 2017.

On March 23, 2017, Hauscarriague was inside the Gus O'Farrell substation when he heard four PDAS alarm activations from the Unit T-13 courtyard. He was able to identify the location of alarm by viewing the PDAS alarm activation board, and it was announced via radio. When he exited the substation, he could immediately hear yelling coming from the courtyard. Donaldson, Tweedy, Truong, Becerra and Hauscarriague responded to the courtyard, which Hauscarriague estimated that it took him approximately 10 seconds. He acknowledged that he had no idea why the alarm was activated and did not speak to any LOC staff to ascertain why the alarm was activated. He, nor any of the responding HPO's attempted to de-escalate [REDACTED] prior to the UOF.

During the interview, Hauscarriague was asked to use a diagram to depict his, [REDACTED] and the staff's location prior to the UOF. (Exhibit 24)

Upon arrival to the courtyard gate, Hauscarriague interpreted that the LOC staff were not attempting to do TSI, which he believed to be unusual. Therefore, he believed that the staff felt threatened. Hauscarriague stated that he "wanted to get into the courtyard to contain [REDACTED] so that the staff were no longer in jeopardy."

Hauscarriague stated that when he and the other HPOs arrived at the gate, they did not communicate with each other or develop a plan on how to handle the situation. He stated that normally, when time permitted, the HPOs talk to the LOC staff about why the alarm was activated. He stated that he was not able to speak to the LOC staff because they were on the opposite end of the courtyard. He acknowledged that he could have entered the courtyard by going through the T-13 building, which would have allowed him to speak to the LOC staff about the alarm activation. Hauscarriague estimated that going through the building would have taken 1-2 minutes, but believed that he did not have the time to spare and needed to act immediately.

Hauscarriague recalled that [REDACTED] was yelling, but he could not recall what [REDACTED] was saying. He saw multiple staff standing approximately 80 feet away on the opposite end of the courtyard. Hauscarriague stated that there were no staff or patients near [REDACTED] was standing at the locked courtyard entrance/exit gate, facing the HPOs. One of the HPOs, Hauscarriague could not remember who, told [REDACTED] to walk away from the gate. [REDACTED] complied and turned to walk away from the gate and walked towards the wall. Hauscarriague did not recall any of

the HPO's giving [REDACTED] any other commands prior to the UOF. He did not recall telling [REDACTED] to "stop" walking away but had read Becerra's incident report, which indicated that Hauscarriague told [REDACTED] to "stop walking away."

Hauscarriague estimated that [REDACTED] had walked about 5-7 feet from the gate. He stated that [REDACTED] had clenched fists and while walking away kicked a ball. Hauscarriague stated that he was about 5 feet away from [REDACTED] at the time and [REDACTED] did not kick the ball towards him or anyone else. Hauscarriague believed that [REDACTED] kicking the ball was an indicator that [REDACTED] was "escalating." Hauscarriague, who was the first HPO through the gate, then "jogged" toward [REDACTED] to take him down. [REDACTED] had his back towards Hauscarriague, and never turned around to face Hauscarriague or take a fighting stance against him.

Hauscarriague stated that he did not elicit the help of the other HPOs to control [REDACTED] as a team because the HPOs had worked so often together that "it was unspoken with us." He explained that it was implied that the other HPOs would follow Hauscarriague's lead and all be there together. Hauscarriague believed the other HPOs should have known that he was intending to take [REDACTED] down to the ground based on Hauscarriague's actions. He also stated that he had been trained to that as part of his job at DSH, he may have to deal with agitated patients. He had been trained to first try and talk the patient down before using force. He admitted utilizing an "arm bar" with another HPO in the past to control hostile and/or combative patients, and agreed that this could have been an alternative to the UOF, but reiterated that he believed that he needed to act quickly to contain [REDACTED] because of [REDACTED] history of making a weapon, head butting an officer and his threats to kill an HPO.

He stated that he did not believe that he had time to develop a plan on how to deal with [REDACTED] because he believed that staff were in imminent danger even though [REDACTED] was not directing his anger towards that staff, nor did [REDACTED] attempt at any time to harm or assault the staff. Hauscarriague stated that he did not want to leave it to chance that [REDACTED] would run and assault the staff before he and his partners could reach him. Hauscarriague acknowledged that he was not aware of [REDACTED] running to attack someone in the past, and if this did occur, that information would have been shared with him during briefing.

On the courtyard, Hauscarriague stated that he did not see anything in [REDACTED] hands or on [REDACTED] person that caused him to believe that [REDACTED] had a weapon. Nor did he see a weapon on the ground, or observe [REDACTED] attempt to retrieve a weapon from anywhere.

Hauscarriague initially conveyed that he wrapped his arms around [REDACTED] "torso," and defined "torso" to mean around [REDACTED] lower arm/waist area. He could not remember how tightly he held onto [REDACTED] or if his fingers were interlocked around [REDACTED] torso. He initially stated that [REDACTED] arms were at his side. However, he later stated that he could not remember if [REDACTED] hands were free during the takedown, and agreed that if [REDACTED] hands were free he would have used them to protect his face from hitting the wall.

Hauscarriague said that his intent was to take [REDACTED] to the ground; however, according to Hauscarriague they "went forward." Hauscarriague wanted to get [REDACTED] to the ground so that he could be handcuffed and taken to a side room. During further questioning, Hauscarriague stated that his intent was to arrest [REDACTED] for Terrorist Threats that he had made to kill an officer.

Hauscarriague was asked if prior to the UOF, did he slow down or stop to think about what he was doing. He responded, "No," and added that once he made the decision to take [REDACTED]

down, he continued with that decision. Hauscarriague stated that it took him about 10 seconds to make contact with [REDACTED] after the gate was opened. Hauscarriague refused to characterize his takedown as a "tackle," but acknowledged that he had not been taught a tackle-type maneuver as a DSH takedown technique. He stated that the takedown was not a "tackle" because he was not trying to "drive" [REDACTED]

Hauscarriague stated that even though he had not been taught a tackle-type takedown during his UOF training, he had been taught to "improvise" to take control of a situation the quickest and safest manner. He was advised that it had been the investigator's experience that "improvising" was only used in life or death situations. When asked based on his training what type situation was he authorized to "improvise" in, he responded, "I don't know."

Hauscarriague acknowledged that based on his statements of what occurred on March 23, 2017, prior to the UOF, he observed [REDACTED] yelling obscenities and kick a ball. He was again asked if he observed [REDACTED] engage in any other activity that warranted UOF, to which he responded, "Not that I witnessed, no." Hauscarriague was asked if there were any other options available to him other than the UOF, and he responded, "I don't think so. No." He explained that [REDACTED] back was facing him, so using pepper spray would have been ineffective.

During the interview, Hauscarriague was advised that per the DSH UOF-Patient policy, force was only authorized to overcome resistance, effect custody, and prevent escape. He stated that [REDACTED] not actively resisting him nor attempting to escape, which warranted the UOF. He stated that he did not actually remember [REDACTED] making terrorist threats on March 23, 2017, but had read about the threats in an incident report. He explained that he may have heard them, but he could not remember now. Hauscarriague repeated that his intent was to affect the arrest of [REDACTED] for Terrorist Threats.

He acknowledged that other patients had threatened him in the past and when asked if he had ever arrested any other patient for PC422, he responded, "I'm not sure. Maybe." Hauscarriague added that he had filed PC 422 charges on several patients with the District Attorney. He was asked of those cases that he filed charging patients with PC 422, how did he effect custody of the patient, to which he responded, "I don't remember." He explained that he had filed charges on patients with PC 422, "A bunch of times," but was unable to give one example. He stated that he had never effected the arrest of anyone in the past for PC 422.

Hauscarriague was asked if, prior to taking [REDACTED] to the ground and using force, did he considered his surroundings, to which he responded, "Not that I can remember."

After the UOF, Hauscarriague remembered landing on top of [REDACTED] after the fall land he could hear his ears ringing. He recalled [REDACTED] head hitting the wall and making a loud noise. He asked [REDACTED] if he was ok and [REDACTED] told him, "Fuck you. No, I'm not ok." Truong and Becerra assisted in [REDACTED] and placed him in a recovery position. He did not recall striking the wall but was told that he hit the wall. He was aware of [REDACTED]  
[REDACTED]

Hauscarriague was asked what type of force did he use on [REDACTED] on March 23, 2017, and he responded, "The lowest type" of force, because it was the lowest type of force needed to effect arrest, overcome resistance or prevent escape.

For the complete recorded interview please refer to the audio recording. Exhibit 26

**ADMINISTRATIVE SUBJECT INTERVIEW OF HOSPITAL POLICE OFFICER JOSE BECERRA:**

On November 8, 2017, OLES Investigators LaBarbara Nash and Teddi Claudio-Davidson conducted a digitally recorded administrative subject interview of HPO Jose BECERRA at NSH. BECERRA was advised of his rights and read Subject-Administrative Inquiry -Peace Officer form OLES #111B (Exhibit 20). BECERRA was advised of his right to have representation present during the interview and elected to have California Statewide Law Enforcement Association Senior Legal Counsel Ryan Navarre as his chosen representative. The following is a summation of the information obtained during the interview.

**Investigator's Note:** *Prior to the interview, BECERRA was provided a copy of his August 2, 2017, OLES interview, his March 23, 2017, Incident Report #17030418, and a transcript of his July 6, 2017, Superior Court testimony.*

BECERRA was hired by NSH as an HPO in October 2013 and has no prior law enforcement experience. For approximately 3 years, BECERRA has work in his current assigned as a Bike Patrol Officer. He has a good working relationship and an off-duty relationship with Donaldson, Truong, Tweedy and Hauscarriague, and considered them his friends.

BECERRA attended Annual Review Training during his birth month (March) of each year. He stated that he was not familiar with the Standards of Conduct DSH Policy #320, but recalled reviewing it during his Field Training Officer (FTO) training. BECERRA acknowledged that he was responsible to read policies on DSH Report Preparation policy #322, including conducting investigations; however, he has not received any training in these areas since attending the academy. BECERRA stated he reviewed the DSH policies through Lexipol. He received Use of Force Policy #300 training each year.

BECERRA was asked to explain Reasonable Force. He stated, "An officer may use a reasonable amount of force to stop a threat or prevent injury." The definition of Reasonable Force contained in DSH UOF Policy #300 was read, and BECERRA agreed that he had been trained in the definition. Also based on the policy, BECERRA stated, "If feasible, allow staff to do TSI before we intervene."

BECERRA was asked to explain Excessive Force. He stated, "More than reasonable." The definition of Excessive Force contained in DSH UOF Policy #300 was read, and BECERRA agreed that he had been trained in the definition. BECERRA defined Calculated Intervention as incident, "when you have time to make a plan and then intervene."

BECERRA was familiar with other options of force and was able to list them. BECERRA was also asked about restraint methods and control holds that he had been trained to perform. BECERRA stated he was trained on specific methods of restraints and/or control holds and described several of them.

When asked about TSI, BECERRA stated he received TSI training annually. He believed that all staff, both sworn and non-sworn receive training in TSI. BECERRA was asked if he knew his responsibility as an HPO regarding TSI and he stated, "Assist staff, and let them do it first." The HPD's Responsibility in TSI section of the DSH TSI Policy was read, which stated in part, "*Officers are expected to follow TSI policies up to the point that the situation is no longer in control or the use of a weapon is involved.*" BECERRA agreed with the policy.

BECERRA was asked about his contact with [REDACTED] on March 21, 2017. BECERRA stated that a staff member had reported that [REDACTED] threatened to kill a police officer in order to go back to county jail. BECERRA, Donaldson and Tweedy went to speak to [REDACTED] regarding his threats. [REDACTED] again made threats to kill someone if he did not go back to county jail. BECERRA stated they received consent from [REDACTED] to search his room, and they did not find any weapons. BECERRA did not complete a report because he "Did not feel it was a credible threat" and "It wasn't an immediate threat."

BECERRA worked on March 23, 2017 during from 1400-2200 hours. He was in full uniform and had all of his safety equipment on his person. BECERRA worked that day with Truong, Tweedy, Hauscarriague, and Donaldson. BECERRA stated at approximately 1545 hours, while at the Gus O'Farrell Substation, a PDAS alarm was activated and he was notified by dispatch to respond to the Unit T-13 courtyard. The substation was located next to Unit T-13. All five officers ran to the T-13 courtyard, which took approximately 5-10 seconds.

During the interview, BECERRA created a diagram of the T-13 courtyard area. He identified the location of the T-13 Courtyard gate entrance, the walls around the courtyard, the location of [REDACTED] and the location of the staff. BECERRA did not know the length of the courtyard. Upon arrival to the courtyard, BECERRA did not observe any staff or patients in the courtyard. BECERRA observed [REDACTED] to be right next to the gate entrance, which was the entire distance of the courtyard from where the staff were located (80ft). BECERRA and the other officers were standing on the other side of the gate entrance, which is always locked.

As BECERRA was approaching the gate, he heard someone screaming, "Fuck you, I'm going to kill everyone." BECERRA recognized [REDACTED] voice due to prior contacts with [REDACTED] during daily walk-throughs in the units and other incidents. He observed [REDACTED] pacing back and forth from side to side and within a couple of feet from the gate. [REDACTED] hands were clenched, his arms were ridged and he was screaming and yelling. BECERRA stated, "The staff was far away from him which was concerning." BECERRA further stated that [REDACTED] had a history of making weapons and assaulting officers. BECERRA explained that in December 2016, [REDACTED] made a weapon from a broken metal antennae and threatened staff with it. BECERRA was not able to provide any other incidents involving [REDACTED] making weapons and/or threatening staff. Donaldson told [REDACTED] to move away from the gate, so that the HPOs could enter the courtyard. [REDACTED] appeared to comply with the command and moved away from the gate, walking westbound towards the west wall of the courtyard. [REDACTED] then yelled "fuck you" and kicked a ball. BECERRA did not remember seeing anything in [REDACTED] hands or noticing if [REDACTED] had on headphones.

BECERRA conveyed that [REDACTED] was not de-escalating, and was showing signs of aggression and acting unpredictable. He believed that the safest thing to do would be to contain [REDACTED] on the ground. When asked if he communicated this information to the other officers, BECERRA stated he did not. When asked if there was any communication among the officers, BECERRA stated there was not. When asked if there was a plan on how to handle [REDACTED] BECERRA stated there was no plan and he did not know what was going to happen when they entered the courtyard. BECERRA explained that he did not want to engage in a conversation with the other HPOs and have [REDACTED] turn and run toward the staff.

BECERRA was reminded that the HPOs were behind a locked gate; there was no one in the courtyard with [REDACTED] all of the staff and patients were either in the building or standing at the building entrance at the other end of the courtyard. BECERRA was asked if he had any

knowledge of [REDACTED] running from, or to, staff in the past when agitated, and he stated that he did not. BECERRA was asked if he, or any of the officers, spoke to the staff prior to making contact with [REDACTED] and he stated they had not.

BECERRA stated when they entered the courtyard, Hauscarriague entered first and he was second. They ran towards [REDACTED] and Hauscarriague made physical contact with [REDACTED]. BECERRA was asked to articulate the need for physical contact. BECERRA stated, "It was everything; the fists clenched, arms rigid, the threats, he had made the weapon in the past, he had already assaulted someone. It was everything, it wasn't just one thing." BECERRA believed that Hauscarriague was going to contain [REDACTED] on the ground, because that is what BECERRA believed that he would have done.

Hauscarriague gave [REDACTED] a command to stop as they were running towards him. BECERRA was asked how long after the command to stop was the contact made and estimated that it took three seconds. [REDACTED] turned slightly to his right; used his right arm and pushed against Hauscarriague's shoulder and tried to push away from Hauscarriague. BECERRA stated they were approximately 10 steps from the west wall at the point of contact. The two struggled, picked up momentum, and continued to go forward towards the wall until they hit the wall. BECERRA stated because it happened so fast, he did not have time to assist or do anything to avoid them hitting the wall. BECERRA indicated that he felt [REDACTED] resistance caused the momentum that ultimately resulted in them hitting the wall. BECERRA did not agree that Hauscarriague running to [REDACTED] caused the momentum. BECERRA was asked if he felt [REDACTED] was given ample time to comply with the command to stop, prior to the contact by Hauscarriague. BECERRA stated, "I don't know."

BECERRA stated [REDACTED] continued to walk after he was commanded to move, while yelling, "I'm going to kill officers." BECERRA acknowledged that it was possible that [REDACTED] did not hear the command due to his continued yelling. It was pointed out that within 3 seconds there was a command, a threat, and a contact. He said, "Yes."

BECERRA was provided a description of [REDACTED] 5'5" tall, 200lbs, and 64 years old. BECERRA stated Hauscarriague was 6ft, 220lbs, and 25 years old. BECERRA was reminded that there were a total of 5 officers who responded to the incident; staff were on the other end of the courtyard and away from [REDACTED] there was no one else in the courtyard; and the officers were on the other side of a locked gate. BECERRA was asked what crime did [REDACTED] commit prior to entering the courtyard, and he responded, "Criminal threats."

BECERRA was asked if [REDACTED] committed that same crime on March 21, 2017, when he made threats to kill a police officer, and he responded, "Yeah, but the threat was a little bit different, it wasn't an immediate threat like it was right here. Staff were in fear, pulling their alarms, not getting near him; it just felt different." BECERRA asked if [REDACTED] had ever behaved in a similar manner before, and/or made threats before, and he responded, "Yes, but he wasn't screaming."

BECERRA was asked if Hauscarriague running to and grabbing [REDACTED] contributed to them picking up momentum and hitting the wall; or did they hit the wall because [REDACTED] resisted the takedown. BECERRA responded, "I don't know." BECERRA and stated that he did not want to take the chance of [REDACTED] being able to reach the staff. It was pointed out that based on BECERRA's statements, [REDACTED] was pacing back and forth and not facing the staff. BECERRA responded that he did not want to risk it because he did not know how fast [REDACTED] was.

BECERRA stated that the HPOs did not use pepper spray because [REDACTED] back was towards them. BECERRA also indicated he was never directly told not to use his pepper spray, but had heard the use of it was frowned upon by the department. BECERRA was asked if they had other options they could have used on [REDACTED] such as control holds, since there were five officers. BECERRA responded, "Yeah we could have."

BECERRA was asked if [REDACTED] committed a crime that necessitated police intervention, such as a takedown. He responded, "Yes, to prevent injury from the staff and prevent injury from us." It was pointed out to BECERRA that [REDACTED] was walking away from the officers and further away from the staff at the time of the takedown.

BECERRA was asked if the takedown technique used by Hauscarriague was an authorized and/or approved standard technique taught during their weaponless defense training and/or grounds training. BECERRA indicated it was not listed in their training manual as an authorized technique, and the takedown was not taught to the HPOs, but he had done it during training. BECERRA indicated they have done similar techniques during training when improvising; however, he agreed that improvising techniques was acceptable when survival was challenged.

BECERRA was asked about the investigative interviews he conducted after the incident on March 23, 2017. BECERRA stated he conducted interviews of four staff members.

BECERRA confirmed he interviewed PT [REDACTED]. BECERRA reported that PT [REDACTED] told him, [REDACTED] was in the courtyard talking to the doctor regarding his recent "aggressive behavior." When asked if PT [REDACTED] used those exact words, BECERRA stated it his report contained a summary of the interview. When asked why PT [REDACTED] stated he did not say "aggressive behavior," BECERRA stated that was what [REDACTED] described to him. BECERRA also reported that PT [REDACTED] told him [REDACTED] recently made an "improvised weapon." When asked why PT [REDACTED] stated he did not say "improvised weapon," BECERRA responded that [REDACTED] did not use those exact words, which was why he did not put the words in quotations in his report. BECERRA believed PT [REDACTED] had described the weapon as a broken antennae.

BECERRA was advised, per the staff that were interviewed by OLES, some of the witness statements that he noted in his report was inaccurate. BECERRA was asked if he reported accurate statements, and he responded, "Yes." He was asked if he altered any of the witness statements, and he responded, "No." BECERRA explained that he reported exactly what the witnesses told him. BECERRA believed that the staff could not remember their statements to him, and therefore, reported to OLES that his report was inaccurate.

BECERRA stated any follow-up investigation needed would typically be completed by the Detective Unit. BECERRA was asked why his report lacked more detailed witness information. BECERRA stated that he did not intentionally write a bad report and did the best he could at the time. He was asked why he did not interview any patients, and stated he did not see any patients in the courtyard during the incident. He also stated he did not try to find out if there were any patients he should have interviewed.

The officers conduct peer reviews; therefore, all of the officers reviewed his report before it was submitted for approval. BECERRA stated the peer reviews are not required by policy, it was something the sergeants told them to do. He stated even if the officers were involved in the same incident, they review each other's reports. BECERRA stated he was not influenced by

reading the other involved officers' reports, nor did he get any feedback or direction regarding his report. BECERRA stated he did not discuss his report with his supervisor or anyone else.

BECERRA confirmed he attended a debriefing of the incident with officers and staff members. He stated during the debriefing, attendees are typically asked if anyone was hurt, if there were any issues, and/or how things could be done better the next time. According to BECERRA, there were no issues brought up.

BECERRA was asked why there were differences between what he reported and what his fellow officers reported regarding the incident. BECERRA stated, "I just wrote down my perspective." He was asked, and stated he was in no way influenced or coerced regarding the information he wrote in his report. BECERRA stated since the completion of his report, he has not had a discussion with any of the involved officers about this incident or the investigation of such.

BECERRA was asked, based on the definition of excessive force, the totality of the circumstances regarding what he observed in the courtyard, and the definition of a takedown; did he feel the actions taken by Hauscarriague were excessive. BECERRA responded, "No."

BECERRA was asked what type of force did he believe Hauscarriague used on [REDACTED] on March 23, 2017; and he responded, "Reasonable." BECERRA explained that he believed Hauscarriague's intention was to bring [REDACTED] to the ground.

The definition of reasonable force was read and BECERRA was asked prior to the contact was Hauscarriague trying to affect an arrest of [REDACTED] and he answered, "No." He was asked if Hauscarriague was preventing an escape, and he answered, "No." BECERRA was asked if Hauscarriague was overcoming resistance, prior to the contact/takedown, and BECERRA answered, "No."

BECERRA was asked if he thought things could have been done differently. BECERRA responded, "Knowing what happened, absolutely." BECERRA was asked what he would do differently and he responded that he would talk to [REDACTED] but hope that [REDACTED] did not turn and assault them, but take the risk next time. BECERRA was asked in hindsight, since they were on the other side of the gate, would he have made a plan and he stated that he would have made a plan inside the gate because he did not want to risk [REDACTED] running towards the staff. BECERRA was asked in hindsight were there other options besides a physical takedown, and he responded, "Yes." BECERRA ended the interview by stating that he did not intentionally leave out information or lie in his report.

For the complete recorded interview please refer to the audio recording. Exhibit 26

#### STATEMENT OF FACTS:

**Allegation 1:** It is alleged that Hospital Police Officer Jose BECERRA reported misleading and/or inaccurate information in his March 23, 2017, supplemental report when he reported that Patient [REDACTED] threatened staff and resisted a takedown during Use of Force incident #17030418.

- In his March 23, 2017, Incident report #17030418, BECERRA stated that while responding to the T-13 courtyard alarm, he could hear [REDACTED] screaming that he was going to kill everyone.

Hauscarriague attempted to do a takedown, during which [REDACTED] turned his body and used his right arm to push down on Hauscarriague's right shoulder causing them to make contact with the wall.

- On September 5, 2017, during his witness interview, BECERRA reported that [REDACTED] threatened to "kill everyone" and kill the police. Hauscarriague wrapped his arms around [REDACTED] waist to do a takedown and [REDACTED] turned his body clockwise and used his right hand to press off of Hauscarriague's right shoulder. He later stated that it "looked like" [REDACTED] pushed Hauscarriague and they went forward instead of down to the ground. He denied that [REDACTED] turned around and faced the HPOs or take a fighting stance.
- During his June 6, 2017, OLES interview, [REDACTED] stated that on March 23, 2017, he believed one of his fists was clenched, but stated that he had a Walkman in the other hand. His back was to the HPOs as he walked to within five or six feet from the wall. He did not have one arm free during the takedown and was unable to use to break away from the HPO's grasp. He said he did not push the HPO away during the takedown.
- During his June 30, 2017, interview Dr. [REDACTED] stated he did not recall [REDACTED] having clenched fists, nor did he recall [REDACTED] threatening to kill anyone.
- During her June 30, 2017, OLES interview, RT [REDACTED] did not remember [REDACTED] threatening to kill anyone.
- On August 2, 2017, Patient [REDACTED] stated he did not see [REDACTED] attempt to defend himself during the incident. He said that [REDACTED] did not threaten any staff or police.
- On July 5, 2017, PT [REDACTED] stated [REDACTED] did not threaten to kill the HPOs. She also did not see [REDACTED] defending himself. [REDACTED] did not stop and turn towards the officers at any time. [REDACTED] did not look towards the officers. PT [REDACTED] stated that [REDACTED] left arm was free during the incident but his right arm was being held by the officer.
- On July 5, 2017, RN [REDACTED] stated that she remembered [REDACTED] telling the "chips" to come and get him.
- On August 1, 2017, Patient [REDACTED] said [REDACTED] made no attempt to assault the officer. He denied seeing [REDACTED] resist the takedown. He said that [REDACTED] had his back to the HPO during the tackle and did not see the officer coming towards him. He said that [REDACTED] was unable to struggle with the officer or push the officer away from him.
- On August 2, 2017, Patient [REDACTED] stated [REDACTED] did not try to fight any of the officers. [REDACTED] did not turn towards officers or put up his fists towards officers as if to fight them. [REDACTED] did not struggle with the officers at any time.
- On July 20, 2017, RN [REDACTED] denied that [REDACTED] threatened to kill the HPOs prior to the incident and denied seeing [REDACTED] resist Hauscarriague or take a fighting stance.
- On August 2, 2017, Patient [REDACTED] stated that [REDACTED] did not turn to face Hauscarriague or put his fist up or take a fighting stance during the takedown. He did not see [REDACTED] resist Hauscarriague.
- On July 5, 2017, PT [REDACTED] stated that on March 23, 2017, she heard [REDACTED] make the statement "I will kill you all."
- On August 9, 2017, PT [REDACTED] did not recall [REDACTED] saying that he was going to kill anybody specific, but [REDACTED] made the threats in general. He believed that [REDACTED] turned around and looked over his shoulder to see who was coming, but never put up his fists to fight the officers. He did not see [REDACTED] push down on Hauscarriague's right shoulder to break the tackle. [REDACTED] stated [REDACTED] had no time to fight Hauscarriague.
- On August 15, 2017, Psych. [REDACTED] denied hearing [REDACTED] threaten to kill the staff. She stated that [REDACTED] faced and engaged the officers while at the gate. He did not take a fighting

stance with the officers. She stated that everything happened so fast that [REDACTED] was not able to fight off the officers or defend himself.

- During his September 5, 2017, witness interview, Tweedy denied that [REDACTED] had time to fight with Hauscarriague.
- In his March 23, 2017, Supplemental report #17030418, Donaldson reported that [REDACTED] left arm was pinned to his side and he used his right hand and pushed on Hauscarriague's right shoulder in an attempt to push free himself from the takedown. [REDACTED] tried to push free at the same time with his legs causing Hauscarriague's feet and knees to drag.
- On March 24, 2017, during an interview with Davies, Hauscarriague stated that [REDACTED] had his fists clenched, and was pacing around. During his November 9, 2017, Investigatory Interview, Hauscarriague stated that [REDACTED] never turned around to face him or took a fighting stance against him.

**Allegation 2:** It is alleged that Hospital Police Officer Jose BECERRA was inefficient when he failed to conduct a complete, accurate and thorough investigation related to the March 23, 2017, Use of Force incident #17030418, involving Patient [REDACTED]

- In his March 23, 2017, incident report #17030418, BECERRA conducted a four minute interview of PT [REDACTED]. He reported that [REDACTED] stated [REDACTED] threatened to kill everyone. [REDACTED] was in fear of everyone's safety and she activate her alarm. On July 5, 2017, [REDACTED] stated that her statements that BECERRA noted in his report was accurate. [REDACTED] acknowledged she was not asked a lot of questions about the incident.
- During his September 5, 2017, witness interview, BECERRA stated that all of the interviews he conducted were just a few minutes long. He was unable to explain why he did not do detailed interviews, or conduct any follow up interviews of his witnesses. BECERRA admitted that he had been trained to complete thorough interviews, and admitted that he did not do thorough witness interviews or do follow up interviews. He also did not check in with Detectives to see if any additional interviews of his witnesses were conducted. He said he had no reason for not looking into whether or not any follow up was done. He said he wrote down exactly what staff told him and would have written down anything they told him that was contradictory to what he witnessed.
- During his November 8, 2017, subject interview, BECERRA confirmed he interviewed BECERRA reported that [REDACTED] told him, [REDACTED] was in the courtyard talking to the doctor regarding his recent "aggressive behavior." BECERRA also reported that [REDACTED] did not use the exact words about [REDACTED] having an "improvised weapon," which was why he did not put the words in quotations in his report. BECERRA believed PT [REDACTED] had described the weapon as a broken antennae. BECERRA was asked if he reported accurate statements, and he responded, "Yes." He was asked if he altered any of the witness statements, and he responded, "No." BECERRA explained that he reported exactly what the witnesses told him. BECERRA believed that the staff could not remember their statements to him, and therefore, reported to OLES that his report was inaccurate. BECERRA was asked why his report lacked more detailed witness information. BECERRA stated that he did not intentionally write a bad report and did the best he could at the time. He was asked why he did not interview any patients, and stated he did not see any patients in the courtyard during the incident. He also stated he did not try to find out if there were any patients he should have interviewed.
- During his August 9, 2017, witness interview, PT [REDACTED] denied telling BECERRA anything about [REDACTED] having a history of having "improvised weapons" and was unsure what an "Improvised weapon" was. [REDACTED] denied that BECERRA asked him to elaborate on [REDACTED] recent behavior. BECERRA conducted a three minute interview of PT [REDACTED] and said that [REDACTED]

was talking to Dr. [REDACTED] about [REDACTED] recent aggressive behavior. [REDACTED] said [REDACTED] had been threatening to "Kill everyone," and had recently made an improvised weapon. [REDACTED] kicked a chair and then threatened to kill everyone. The police told [REDACTED] to move and he threatened them and was tackled from behind.

- BECERRA conducted a three minute interview of PT [REDACTED]. He reported that stated that [REDACTED] was being aggressive towards Dr. [REDACTED]. [REDACTED] threatened to kill everyone and the police arrived. [REDACTED] walked towards the wall was the only place that was empty. [REDACTED] agreed that she was in fear for her safety. [REDACTED] stated that she did not have any issues about how the police handled the situation. On July 5, 2017, denied telling BECERRA that [REDACTED] threatened to kill anyone before police arrived or that [REDACTED] walked towards the wall because it was the only place that was empty. She stated that when BECERRA asked if she had any issues with the way the HPOs handled the incident, she told BECERRA that they need to assess their space because both the patient, and the officer hit their heads on the wall. She said it was possible that she said, "Yeah" when she was asked if she felt in fear for her safety.
- BECERRA interviewed RN [REDACTED]. He noted that [REDACTED] stated [REDACTED] threatened and challenged staff. The HPOs arrived and [REDACTED] threatened to kill them. [REDACTED] was asked if she feared for her safety and responded, "Yeah. I thought he was going to hurt someone." [REDACTED] had no problems with the way the HPOs handled the situation. On July 5, 2017, [REDACTED] reported that BECERRA didn't really ask questions during the interview, but was trying to explain what happened to her. She said she told the officers that "accidents happen." She explained that she was shocked after the incident and could not recall what she said to BECERRA.

**Allegation 3:** It is alleged that Hospital Police Officer Jose BECERRA was dishonest during a September 5, 2017, witness interview when he stated that on March 23, 2017, Patient [REDACTED] resisted a takedown during Use of Force incident #17030418.

- On September 5, 2017, during his witness interview, BECERRA reported that [REDACTED] threatened to "kill everyone" and kill the police. Hauscarriague wrapped his arms around [REDACTED] waist to do a takedown and [REDACTED] turned his body clockwise and used his right hand to press off of Hauscarriague's right shoulder. He later stated that it "looked like" [REDACTED] pushed Hauscarriague and they went forward instead of down to the ground. He denied that [REDACTED] turned around and faced the HPOs or take a fighting stance.
- During his September 11, 2017 witness interview, Truong stated [REDACTED] threatened to kill staff. Truong initially stated that when Hauscarriague made contact with [REDACTED] he saw [REDACTED] upper body, as [REDACTED] faced Hauscarriague. He later changed his statement to indicate that [REDACTED] moved from the gate, stopped, kicked a basketball and then turned his upper body around slightly and faced Hauscarriague. Truong also stated that [REDACTED] turned his whole body around and faced Hauscarriague while threatening him. [REDACTED] simultaneously pushed off of Hauscarriague and [REDACTED] turned back around towards the wall.
- During his June 6, 2017, OLES interview, [REDACTED] stated that on March 23, 2017, he did not threaten staff, but threatened the HPOs. [REDACTED] said his back was to the HPO's as he walked to within five or six feet of a cement wall. He did not see the HPO tackle him. The HPO grabbed him with both hands, squeezed him tight and drove him hard into the wall. [REDACTED] said he was unable to break away from the HPO's grasp. He said he did not push the HPO away during the takedown, or resist the HPO causing them to hit the wall.
- During his June 30, 2017, interview Dr. [REDACTED] did not recall [REDACTED] clenching his fists, nor did he recall [REDACTED] threatening to kill anyone.

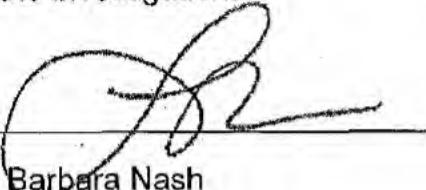
- On August 2, 2017, Patient [REDACTED] stated that he did not see [REDACTED] attempt to defend himself during the incident. He said that the HPO wrapped his arms around [REDACTED] chest, he could not recall where [REDACTED] arms were. He stated that [REDACTED] had not threatened any staff or police.
- On July 5, 2017, PT [REDACTED] stated that [REDACTED] was tense but his fists were not clenched. She did not see [REDACTED] defending himself.
- On August 1, 2017, Patient [REDACTED] said [REDACTED] made no attempt to assault the officer. He denied seeing [REDACTED] resist the takedown. He said that [REDACTED] had his back to the HPO during the tackle and did not see the officer coming towards him. Hauscarriague wrapped both of [REDACTED] arms to his side and he was unable to struggle with Hauscarriague or push Hauscarriague away from him.
- On August 2, 2017, Patient [REDACTED] indicated that [REDACTED] arms were to his sides.
- On July 20, 2017, RN [REDACTED] denied that [REDACTED] threatened to kill the HPOs prior to the incident and denied seeing [REDACTED] resist Hauscarriague or take a fighting stance.
- On August 2, 2017, Patient [REDACTED] stated he did not see [REDACTED] resist Hauscarriague, or take a fighting stance against Hauscarriague.
- On July 5, 2017, PT [REDACTED] stated that on March 23, 2017, she heard [REDACTED] make the statement "I will kill you all." [REDACTED] stated [REDACTED] was telling them to call the police, and have them come and get him. She did not witness the UOF incident.
- On August 9, 2017, PT [REDACTED] did not recall [REDACTED] say that he was going to kill anybody specific, but [REDACTED] made the threats in general. He believed that [REDACTED] turned around and looked over his shoulder to see who was coming, but never put up his fists to fight the officers. He believed that [REDACTED] arms were outside Hauscarriague's grasp and [REDACTED] was able to defend himself, but had no time. He did not see [REDACTED] push down on Hauscarriague's right shoulder to break the tackle or see [REDACTED] drag Hauscarriague to the wall.
- On August 15, 2017, Psych. [REDACTED] stated that [REDACTED] did not take a fighting stance with the officers. She stated that the incident happened so fast, [REDACTED] was not able to fight off the officers, or defend himself. She did not see [REDACTED] dragging the officer's knees and feet in the dirt.
- In his March 23, 2017, Supplemental report #17030418, Donaldson reported that [REDACTED] used his right hand and pushed on Hauscarriague's right shoulder in an attempt to push free himself from the takedown. [REDACTED] tried to push free at the same time with his legs causing Hauscarriague's feet and knees to be dragged.
- During his September 5, 2017, OLES interview, Tweedy denied that [REDACTED] had time to fight with Hauscarriague.
- During his November 9, 2017, Investigatory Interview, Hauscarriague stated that [REDACTED] had his back towards him during the takedown and [REDACTED] never turned around to face him or take a fighting stance against him.

**EXHIBIT LIST:**

1. OLES Notification Template
2. OLES Administrative Officer on Duty (AOD) form
3. NSH Incident Report #17030418
4. NSH Incident Report #17030419
5. NSH Incident Report #17010122
6. NSH Incident Report #16121688
7. Medical/Nursing documentation
8. NSH March 21, 2017, Patrol Log
9. Hauscarriague Medical report - [REDACTED]
10. [REDACTED] Medical report - [REDACTED]
11. March 23, 2017, Staff Roster
12. Photographs of Hauscarriague and [REDACTED] on the courtyard (See CD-rom, Exhibit 25)
13. Schematic of T-13/T-14 Buildings and Courtyards
14. Photos and description of involved HPOs (See CD-Rom, Exhibit 25)
15. DSH UOF Patients #300 policy
16. NSH March 23, 2017 Patrol Log
17. Additional medical records for [REDACTED]
18. Photos of [REDACTED] and T-13 Courtyard (See CD-rom, Exhibit 25)
19. Napa Superior Court transcript (See CD-rom, Exhibit 25)
20. Administrative Inquiry Notices and Advisements
21. DSH Standard of Conduct #320 policy
22. DSH Report Preparation #322 policy
23. HPD Responsibility –TSI policy excerpts
24. Subject diagrams depicting placement on March 23, 2017 T-13 Courtyard
25. CD-rom, criminal case summary, photos and court transcript
26. OLES audio recorded witness interviews and subject interviews

**CASE STATUS:**

The Office of Law Enforcement Support submits this investigative report to the hiring authority for its consideration. This report is a summary of the investigation. It is strongly recommended that the reader listen to the relevant audio recordings for complete details of the interviews and refer to the exhibits for details of the documents. The Statements of Fact included within this report is based upon the investigator's interpretation of the facts. The reader should make their decisions based upon the entirety of the investigation.



La Barbera Nash  
Investigator  
Office of Law Enforcement Support

Date: May 1, 2018



William Huddleston  
Supervising Investigator  
Office of Law Enforcement Support

Date: May 4, 2018